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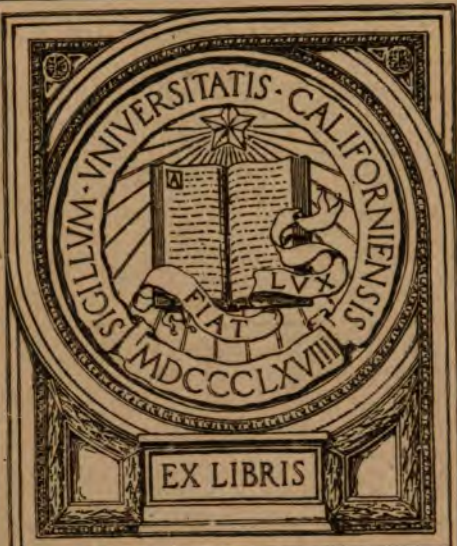
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EXTRACTS

FROM

Virginia Election Laws,

ALSO

THE ELECTORAL BOARD

AND

REGISTRATION LAWS.

1906.

UNIVERSITY OF
CALIFORNIA

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EXTRACTS FROM THE ELECTION LAWS, ETC., OF THE COMMONWEALTH OF VIRGINIA.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
RICHMOND, *September, 1906.*

The following extracts from the election laws, compiled from the Code of Virginia, *as amended to date*, are published for the information of officers engaged in conducting elections and ascertaining and certifying their results. They embrace only such provisions of the law as are important to be observed by these officers while so engaged. The electoral board and registration laws are also given for the guidance of officers charged with the conduct of elections.

D. Q. EGGLESTON,
Secretary of the Commonwealth.

Franchise Clause of the Constitution of Virginia.

ARTICLE II.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

Sec. 18. Every male citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his rights to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

Sec. 19. There shall be general registrations in the counties, cities and towns of the State during the years nineteen hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this Convention. At such registrations every male citizen of the United States having the qualifications of age and residence required in section eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or of any State of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register, State taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to under-

stand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section twenty-three. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

Sec. 20. After the first day of January, nineteen hundred and four, every male citizen of the United States, having the qualifications of age and residence required in section eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all State poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

Sec. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section twenty-two, shall, as a prerequisite to the right to vote after the first of January, nineteen hundred and four, personally pay, at least six months prior to the election, all State poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

Sec. 22. No person who, during the late war between the States served in the army or navy of the United States, or the Confederate States, or any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

Sec. 23. The following persons shall be excluded from registering and voting. Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons who, while citizens

of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fight of such duel.

Sec. 24. No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right to suffrage in the State, or in any county, city or town thereof, by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

Sec. 25. The General Assembly shall provide for the annual registration of voters under section twenty, for an appeal by any person denied registration, for the correction of illegal or fraudulent registration, thereunder, and also for the proper transfer of all votes registered under this Constitution.

Sec. 26. Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

Sec. 27. All elections by the people shall be by ballot; all elections by any representative body shall be *viva voce*, and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

Sec. 28. The General Assembly shall provide for ballots without any distinguishing mark or symbol, for use in all State, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled; in clear print and in due and orderly succession; but any voter may erase any name and insert another.

Sec. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

Sec. 30. The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town; such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected; provided, that the General Assembly, in its discretion, may make such exemptions from the operation of said property qualification as shall not be in conflict with the Constitution of the United States.

Sec. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and thereafter their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of elections,

representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States Government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

Sec. 32. Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town, or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise. Men and women eighteen years of age shall be eligible to the office of notary public, and qualified to execute the bonds required of them in that capacity.

Sec. 33. The terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

Sec. 34. Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as———, according to the best of my ability; so help me God."

Sec. 35. No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

Sec. 36. The General Assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general local and primary elections, and preventing and punishing any corrupt practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offences, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office.

Sec. 37. The General Assembly may provide for the use, throughout the State or in any one or more counties, cities, and towns in any election of machines for receiving, recording, and counting the votes cast thereat; provided, that the secrecy of the voting be not thereby impaired.

Sec. 38. After the first day of January, nineteen hundred and four, the treasurer of each county and city shall, at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city a list of all persons in his county or city, who have paid not later than six months prior to such election, the State poll taxes required by this Constitution during the three years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts or wards, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting-places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted; which return the clerk shall record in a book kept in his office for the purpose; and he

shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law; the original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same. Within thirty days after the list has been so posted, any person who shall have paid his capitation tax, but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll-books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

Registration Ordinance of the Constitutional Convention.

AN ORDINANCE

To provide for the registration of voters under this Constitution, and prior to the year nineteen hundred and four (1904).

It is ordained as follows: Until the first day of January, nineteen hundred and four, all voters shall be registered in accordance with the requirements of this ordinance, as follows:

Sec. 1. Registration shall be conducted in each magisterial district of every county, and in each ward of every city, by a board of registrars, composed of three competent citizens, resident in such district or ward, appointed as hereinafter provided, each of whom shall qualify by signing and filing with clerk of the county court of their respective counties, or the corporation court of their respective cities, as the case may be, a paper signifying their acceptance of their appointment, and who shall hold office until the first day of January, nineteen hundred and four; except that in the city of Bristol there shall be only one board, composed of three competent citizens thereof.

The board shall organize by electing one of its members chairman and another secretary of the board.

If any person appointed refuse or fail to qualify by the first day of August, nineteen hundred and two, or to serve, or if a vacancy occur in such board, the judge of the county court of the county, or of the corporation court of the city, shall by appointment supply the place or fill such vacancy; and such appointees shall qualify in the same manner as those appointed by this ordinance.

For attendance upon the sessions of the board, each member shall receive a compensation of two dollars per day. While actually engaged in the discharge of his official duties as to registration, each member of any such board shall have the authority and powers of conservators of the peace as defined by laws existing at the time this ordinance becomes operative.

Sec. 2. Prior to the fifteenth day of October, nineteen hundred and two, and again prior to the fifteenth day of October, nineteen hundred and three, there shall be a general registration in each of the counties, cities, and towns of the State; and each board of registrars for each district and ward, prior to each of the foregoing dates, shall convene and sit at some place and time to be designated by it in each precinct in its district or ward, at least one day, from eight o'clock in the morning to sunset in the counties, and from twelve o'clock noon to nine o'clock P. M. in cities and towns, and at such other places within the district or ward as may be convenient and necessary to complete the registration of the voters. Each board may determine whether it will sit consecutively for the period hereafter stated, or whether it will sit from time to time for such number of days within said period as it may determine. At the registration to be held prior to the fifteenth day of October, nineteen hundred and two, the aggregate number of days in which any board shall sit within any one district or ward shall not exceed fifteen days; and at the registration to be had in the year nineteen hundred and three, the aggregate number of days in which any board shall sit within any one district or ward shall not exceed ten days. The judge of the county court of a county, or of a corporation court of a city, may, on the motion of the board, extend the time for either of such registrations for a further period or time to be determined by such judge, and shall fix the days for such registration.

The board shall give at least twenty days' notice of the time and place or places at which it will open books for registration at any precinct, by bills posted at five or more public places in the precinct, and also by weekly advertisement for two successive weeks in a newspaper, if one be published in the county or city, and in such other manner as it may deem expedient, and where the books are opened for more than one precinct, or for the whole district or ward, then like notice of the time and place shall be posted in five or more public places within each precinct, for which such registration is held, and advertised by publication as aforesaid.

Sec. 3. The board shall register all persons who apply for registration, entitled to register under this Constitution, prior to January the first, nineteen hundred and four, and none others; and it shall have power to administer oaths to, and examine under oath, any applicant and witnesses, and to receive evidence and hear testimony touching qualifications for registration.

The act of a majority of its members shall be the act of the board; and a majority of the members constitute a quorum for the transaction of all business.

Sec. 4. The board shall record in suitable books, hereinafter provided for, in alphabetical order, the names of all persons registered, the date of birth and registration, their occupation and residence. Separate books, in duplicate, for white and colored voters, shall be kept for each precinct; one of each of which shall, after the completion of each registration, be forwarded by the chairman of the board to the clerk of the county court of the county, or of the corporation court of the city, to be copied in a proper book and preserved in his office.

Until January the first, nineteen hundred and four, the board shall have the custody and keeping of the other duplicate of said registration books; but, a reasonable time before the elections to be held in nineteen hundred and two and nineteen hundred and three, the books for each precinct shall be delivered to the judges appointed at such precinct to conduct said elections, and they a reasonable time after said elections, shall return the books to said board.

After the first day of January, nineteen hundred and four, the board shall deliver the registration books to the proper registration officers designated by law.

At the completion of every registration conducted by it, each member of the board shall sign, and certify the accuracy of the same on oath, upon the registration books.

Sec. 5. Until the first day of January, nineteen hundred and four, if any person so registered shall move to another precinct, he shall be entitled to register therein on the permanent roll upon a transfer issued by the secretary of the board, before which he last registered; and a note of such transfer shall be made by the said secretary upon the permanent roll in his possession.

Sec. 6. Any person who, upon his examination, shall willfully make a false statement of any material fact affecting his qualifications as a voter, shall be guilty of perjury, and, upon conviction thereof, shall forfeit for life his right to vote.

Sec. 7. Any person denied registration shall have the right to appeal, without payment of writ tax or giving security for costs, to the circuit court of the county or to the corporation court of the city, in which he offers to register, or to the judge thereof in vacation, by presenting to such court or judge, within ten days thereafter, a petition in writing to have his right to register determined, containing a statement of the facts proved before said board; to which the board shall make answer in writing. The matter shall be heard and determined upon such petition and answer, and such evidence as may be introduced in support thereof. Such proceedings shall take precedence over all other business of the said court or judge, and shall be heard as soon as possible.

Upon the filing of such petition, the clerk of the court shall at once give notice to the commonwealth's attorney for his county or city, whose duty it shall be to appear and defend against said petition in behalf of the State.

Judgment in favor of the petitioner shall entitle him to registration. From judgment rendered against him, a writ of error shall lie to the Supreme Court of Appeals in favor of the petitioner.

Sec. 8. The Secretary of the Commonwealth shall have prepared suitable books for the registration of voters and forward them to the clerk of the county court of each county, and to the clerk of the corporation court of each city, to be by them distributed to the several boards of registrars of their respective counties and cities.

The books shall be so spaced and ruled as to provide for the convenient entry of the number and name of the voter, in alphabetical order, his age, occupation, residence, length of time he has resided in the State and county, and precinct, and if a naturalized citizen, the date of his naturalization papers and the court by which issued, if known; and, if registered as a voter exempt from the payment of a poll tax as a prerequisite to the right to vote, under section twenty-two of the Constitution, for the statement of that fact.

It shall be the duty of the Secretary of the Commonwealth, before the twentieth day of July, nineteen hundred and two, to forward to each of the persons chosen by the convention as members of the several boards of registration, a certificate showing that such person has been so chosen, which certificate shall be evidence of the facts therein stated.

Upon the receipt of such certificate, the member of the registration board named therein shall signify his acceptance in writing to the clerk of his county, or the clerk of the hustings or corporation court of his city, upon blanks to be furnished by the Secretary of the Commonwealth.

The Secretary of the Commonwealth shall, with said certificates, send to each member of said board a copy of the Constitution and of this registration ordinance.

Sec. 9. On or before the first day of September, nineteen hundred and two, the treasurer of each county and city shall furnish to the board of registrars of each district or ward of his county or city, a certified list containing the names of all persons within such district or ward who, for the year nineteen hundred and one, have paid as much as one dollar in State tax for property owned by and assessed against them; and, on or before the first day of September, nineteen hundred and three, the said treasurer shall furnish to said boards a similar list of those who, for the year nineteen hundred and two, have paid as much as one dollar in State tax for property owned by and assessed against them.

Sec. 10. The books and blank forms to be prepared by the Secretary of the Commonwealth shall be provided at the expense of the State; but all other costs and charges of registration, including postage, stationery, and publication of notices, shall be defrayed by the counties and cities in which such registration is held.

THE ELECTORAL BOARD

AND

REGISTRATION LAWS.

An Act to carry into effect an ordinance of the Constitutional Convention of Virginia, which assembled at Richmond on the 12th day of June, 1901, entitled "an ordinance to provide for the registration of voters under this Constitution, and prior to 1904," so far as legislative action may be necessary, and to make it applicable to towns.

Approved July 28, 1902.

Sec. 1. Be it enacted by the General Assembly of Virginia, That the provisions of an ordinance adopted by the Constitutional Convention, which assembled in Richmond on the twelfth of June, nineteen hundred and one, entitled "an ordinance to provide for the registration of voters under the Constitution and prior to the year nineteen hundred and four," shall apply to the towns of the Commonwealth just as it does to the cities and counties thereof.

Sec. 2. The board of registration, appointed by the said Constitutional Convention, shall record in suitable books, provided for in said ordinance, in alphabetical order, the names of all persons registered, the date of birth and registration, their occupation and residence, keeping separate books in duplicate for white and colored voters for each precinct. And after the completion of said registration, the board shall retain one set of such books, and shall make a roll containing the names of all persons thus registered, to be made, sworn to, and certified by such board. The said roll shall be forwarded by the chairman of the board to the clerk of the circuit court of the county, to be filed for record and preserved in said office, as required by section nineteen of the Constitution of Virginia, and one set of said books shall be forwarded by the chairman of the board to the clerk of the county court of the county or the clerk of the corporation court of the city, as the case may be, to be copied in a proper book and preserved in his office, as required by section four of an ordinance of the Constitutional Convention aforesaid, entitled "an ordinance to provide for the registration of voters under this Constitution and prior to the year nineteen hundred and four." For making the said duplicate and roll, the board and clerks shall be allowed one cent for every thirty words, counting initials as words.

Sec. 3. On or before the first day of September, nineteen hundred and two, the treasurer of each county and city shall furnish to the board of registrars of each town, magisterial district, or ward of his county or city, a certified list, made out in alphabetical order, containing the names of all white and colored males over the age of twenty-one years, the white and colored to be on separate lists within such district or ward, and in cities where property is not assessed for State taxes in wards or districts, a list of all such persons in said city who for the year nineteen hundred and one have paid as much as one dollar in State tax for property owned by and assessed against them; and on or before the first day of September, nineteen hundred and three, the said treasurer shall furnish

to the said boards a similar list of those who for the year nineteen hundred and two have paid as much as one dollar in State tax for property, owned by and assessed against them. For making said lists the treasurer shall be entitled to one cent for every thirty words, counting initials as words.

Sec. 4. Until January first, nineteen hundred and four, the board shall have the custody and keeping of one set or duplicate of the registration books; but a reasonable time before the elections to be held in nineteen hundred and two and nineteen hundred and three, not later than sunrise on election day, the books for each precinct shall be delivered by the chairman of the board of registration, or some member of the said board, selected for the purpose, to the judges, or one of them, at said precinct, appointed to conduct said election; and said judges of election shall appoint one of their number, who shall, within a reasonable time after said election, return the books to said board.

Sec. 5. Any violation of this act by the chairman of the registration board or any member thereof, by the clerk of the court, the treasurer, or any of the judges of election, for which no punishment has been otherwise provided, shall be deemed as a misdemeanor, and punished by fine not exceeding one hundred dollars and imprisonment in the county jail not exceeding one month, either or both.

Sec. 6. The costs of carrying this act into effect, except the books and forms to be prepared by the secretary of the Commonwealth, and provided at the expense of the State, shall be defrayed by the counties and cities in which such registration is held.

Sec. 7. This act shall be in force from its passage.

AN ACT

To provide for the preservation of the permanent registration rolls and for the transfer of voters on said rolls, and for copy to be used for all purposes with same effect as the original.

Approved November 28, 1903.

1. Be it enacted by the General Assembly of Virginia, That the registration rolls or books made by the boards of registration appointed by the Constitutional Convention which assembled in Richmond on the twelfth day of June, nineteen hundred and one, and which, under the registration ordinance adopted by said convention, will be delivered to the registrars after the first day of January, nineteen hundred and four, shall be known as the permanent registration rolls or books, and shall be carefully preserved by the said registrars, and the voters on said rolls or books shall be kept separate from the voters whose names shall be entered on the registration books after the first day of January, nineteen hundred and four. If any person whose name is registered on said permanent roll shall move to another precinct, he shall be entitled to registered therein after such residence therein, as is required by law, on the permanent roll upon transfer issued by the registrar having custody of the permanent roll upon which he last registered, and said transfer shall state that the voter's name is on the permanent roll, and a note of such transfer shall be made by the registrar upon the permanent roll in his possession. The registrar giving the transfer shall send a duplicate to the county court of his county, or to the clerk of the corporation or hustings court of a city, as a case may be, who shall note the same

upon the permanent roll in his possession, and the registrar of the precinct to which said voter is transferred shall send a certificate of his registration to the county clerk of this county, or to the clerk of the corporation or hustings court of a city, as a case may be, who shall enter the voter's name upon the permanent roll in his office, and be entitled to the same fee for his service that the registrar is for registering a voter. And whenever any permanent rill or book of any precinct in the possession of the registrar shall be lost or destroyed, a copy of the permanent roll or book in the county clerk's office of the county, or in the office of the clerk of the corporation or hustings court of a city, as a case may be, shall be made and certified by the county court of the county or clerk of the corporation or hustings court of the city, as the case may be, and when so made and certified shall be used for all purposes with the same force and effect as the original roll or book. The clerk for said services shall be allowed one cent for every fifteen words, to be paid out of the treasury of the said county or city.

2. This act shall be in force from its passage.

Sec. 62. Qualification of voters; disqualifications.—Every male citizen of the United States twenty-one years old, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote thirty days next preceding the election, and who has been duly registered and has paid his State poll-tax, as required by law, and is otherwise qualified under the constitution and laws of this State, shall be entitled to vote for members of the General Assembly and all officers elected by the people, and in any special election, or local option election, in any county, district, city, or town, except when otherwise provided by law, but the removal from one precinct to another, in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved until the expiration of thirty days from such removal: provided, that the following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers, persons who prior to the adoption of the Constitution were disqualified from voting by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of the Constitution, either within or without the State, of treason or of any felony, bribery, petit larceny, obtaining money or other property under false pretences, embezzlement, forgery, or perjury; persons who, while citizens of this State after the adoption of the Constitution, have fought a duel with a deadly weapon or sent or accepted a challenge to fight such duel either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel: provided, also, that no officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage in the State or in any county, city, or town thereof, by reason of his being stationed therein, nor shall any inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage by reason of his location or sojourn in such institution.

Sec. 64. Electoral boards; how appointed.—There shall be in each county and city an electoral board, composed of three members, who shall be appointed by the circuit court of the county or corporation court of the city, or the judge of the court in vacation. The first appointment of said board shall be made during the month of February, nineteen hundred and four, when one member of the board shall be appointed for a term of

one year, one for a term of two years, and one for a term of three years. During the month of February in each year thereafter, as the terms of the members of the board shall respectively expire, their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term. The term of the electoral boards appointed under this act shall commence on the first of March next succeeding their appointment. The members of said board shall qualify before the first of March next succeeding their appointment by taking and subscribing the oaths required to be taken by county and city officers.

Each electoral board shall appoint the judges, clerks, and registrars of election for its city or county, including the towns therein, and in appointing judges of election, representation as far as possible, shall be given to each of the two political parties which at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board or a registrar or judge of election.

SEC. 65. *Chairman and secretary.*—The said board shall elect one of their number chairman and another secretary.

SEC. 67. *Appointment of registrars.*—It shall be the duty of the electoral board of each city and county, prior to the first day of April, nineteen hundred and four, and every alternate year thereafter, to appoint a registrar for each election district of their respective counties and cities, who shall be a discreet citizen and resident of the election district in and for which he is appointed, and who shall hold office for the term of two years from the first day of May following his appointment and until his successor is duly appointed and qualified. In the city of Richmond it shall be lawful for each registrar to appoint a clerk and to administer to him the same oaths as those taken by the registrar. The said electoral boards shall, from time to time, fill any vacancy that may occur in the office of registrar.

SEC. 68. *Meetings of boards; quorum; record of proceedings.*—The electoral board of each city and county shall convene in regular session at such time in the month of March of each year as the board may prescribe, and at any other time upon the call of any member of the board, but at any special meeting the board shall have the same powers as at a regular meeting. At any session two members shall constitute a quorum. The secretary of each electoral board shall keep, in a book to be provided for that purpose, an accurate account of all the proceedings of the board, including all appointments and removals of judges, clerks, and registrars which shall be open to the inspection of any one who desires to examine the same at any time.

SEC. 69. *Board to fill vacancy in office of registrar; may remove registrars, judges, and clerks.*—The said electoral board shall have the power, and it shall be their duty, after the first of March, nineteen hundred and four to declare vacant and to proceed to fill, the office of any registrar in their respective cities, counties, and towns who fail to qualify and deliver to the clerk of the board his official oath in the usual form within thirty days after he has been notified of his appointment, which notification shall be promptly given by the clerk. The board shall also have power, after the first of March, nineteen hundred and four, to remove from office any and every judge of election, registrar, or clerk upon notice who fails to discharge the duties of his office according to law.

Sec. 70. *Pay of board.*—Each member of the electoral board shall receive from the county or city, respectively, for each day of actual service, the sum of two dollars: provided, that no member of such board shall receive more than ten dollars in any one year. And the counties and cities, respectively, shall furnish the necessary stationery for the use of the board and a bound book in which to record their proceedings.

Sec. 71. *New registration provided for.*—The said electoral boards shall provide for a new registration of voters for any election district of their respective counties or cities whenever, in their opinion, the same may have become necessary by reason of the loss or destruction of the registration books, or when said books are so mutilated, blotted, defaced, or otherwise in such condition as to render it difficult, troublesome, or unsafe to use them longer; thereupon the registrars shall give notice of the time and place of registration by printed or written hand-bills posted at not less than five places in the election district, at least thirty days before the day of registration, and shall sit three days for the purpose of registering all qualified voters who may apply for registration, and be entitled to vote at such precinct at the election to be held next after such registration. And whenever the registration books in any election district may be so mutilated and defaced as to render it proper, in the judgment of said board, that the said books should be copied, the said board is authorized to order it to be done; and in such case it shall be the duty of the registrar for such election district to cause fair copies to be made of the old registration books, and they shall take the place of the old books, which shall be filed and preserved in the office of the registrar as the other books are kept.

Sec. 72. *When judges of circuit court to fill vacancies in board.*—If any of the members of the electoral board for any county or city shall fail to qualify within the time prescribed by this chapter, it shall be the duty of the judge of the circuit court of each county or corporation court of the city to fill vacancies either in term or vacation.

Sec. 73. *Who to be registered.*—Each registrar shall, after the first day of January, nineteen hundred and four, register every male citizen of the United States, of his election district, who shall apply to be registered at the time and in the manner required by law, who shall be twenty-one years of age at the next election, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to register thirty days next preceding the election, who, at least six months prior to the election, has paid to the proper officer all State poll-taxes assessed or assessable against him under this or the former Constitution for three years next preceding that in which he offers to register, or if he come of age at such time that no poll-tax shall be assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents in satisfaction of the first year's poll-tax assessable against him, and unless physically unable to do so, shall make application to the registrar in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registrar, stating therein his name, age, date, and place of birth, residence, and occupation at the time and for the two years next preceding, and whether he has previously voted; and if so, the State, county, and precinct in which he voted last; and shall answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registrar, which question and answers thereto shall be reduced to writing, certified by the said registrar, and preserved as a part of the official records: provided, that the following persons shall be excluded from registering: Idiots, insane persons, and paupers and persons who prior to the adoption of the Constitution were disqualified

from voting by conviction of crime, either within or without the State, and whose disabilities shall not have been removed; persons convicted after the adoption of the Constitution within or without the State, of treason, or any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons who while citizens of this State, after the adoption of the Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel, unless the disabilities incurred thereby have been removed. If any person claiming to be a naturalized citizen of the United States shall not be able to establish the date of his papers, or the court in which they were issued, by reason of his having lost the same, or for other cause, then his oath or affirmation that he has been duly naturalized shall be accepted and shall entitle him to register. It shall be the duty of the registrar to furnish a suitable and convenient place, with necessary table, chair, paper, and ink or pencil to be used by persons desiring to register in writing their applications for registration, the cost of the same to be paid out of the county or city treasury. It shall also be the duty of the registrar to preserve the written application of all persons who are registered, or who are denied registration by him, for at least one year after such application is presented, said written application to be filed and kept with the registration books and preserved as a part of the official records. If a person is refused registration, he shall be at once notified of such refusal.

Sec. 74. Secretary of Commonwealth to prepare and distribute books for registration.—The secretary of the Commonwealth shall cause to be prepared suitable books for the registration of voters, and forward them to the county clerks and to the clerks of the corporation or hustings courts of the cities, to be by them distributed to the registrars of their respective election district. The books shall be so arranged as to admit of the alphabetical classification of those registered, and shall be ruled in parallel columns, in which shall be entered the number, name of voter, the fact that he is sworn, his age, occupation, the place of residence at time of registration, the length of time of his residence in the county or city, and, if in a city, stating the name of the street and number of house in which he resides, provided the same be numbered; the time of his residence in the State, and if naturalized, the date of his papers and the court by which issued, if known, and if registered as a voter, exempt from payment of poll-tax under section twenty-two of the Constitution. The list of voters, white and colored, shall be kept and arranged in separate books.

Sec. 75. Registration oath.—Before a registrar shall register the name of any person as a voter, he shall be satisfied of his qualification as herein-before prescribed, and every person applying for registration shall, before he is registered, take and subscribed the following oath: "I, _____, do solemnly swear (or affirm) that I am entitled to register under the Constitution and laws of this State, and that I am not disqualified from exercising the right of suffrage by the Constitution of Virginia," which oath, so subscribed, shall be filed with the registrar and preserved with the books of registration.

Sec. 76. Oath of registrar; his pay.—Each registrar shall, before entering upon the duties of his office, take and subscribe, before some officer authorized by law to administer oaths, the oath of office prescribed in the Constitution of this State, which oath he shall prescribe and file in the clerk's office of the county, corporation, or hustings court of his county or corporation. He shall receive a compensation of two dollars for each day that he is sitting as registrar, and one dollar for posting notices, to be paid out of the county or corporation treasury.

Sec. 77. *Registrar ineligible to office.*—No person who acts as registrar shall be eligible to an office to be filled by election by the people at the election to be held next after he has so acted as registrar.

Sec. 78. As amended by act of March 19, 1906. *When voters registered; duties of registrars; their pay.*—Each registrar shall annually, on the third Tuesday in May, at his voting place, proceed to register the names of all qualified voters within his election district not previously registered in the said district, in accordance with the provisions of this chapter, who shall apply to be registered, commencing at sunrise and closing at sunset, and shall complete such registration on the third Tuesday in May. Thirty days previous to the November elections the registrar shall sit one day for the purpose of amending and correcting the list, at which time any qualified voter applying and not previously registered, may be added. He shall give notice of the time and place of all registrations for at least ten days before each sitting, by posting written or printed notices thereof at ten or more public places in his election district. The registrar shall, at any time previous to the regular days of registration, register any voter entitled to vote at the next succeeding election who may apply to him to be registered; and he shall receive as compensation ten cents for the name so registered on days other than the regular days of registration, the same to be paid out of the county or city treasury. It shall be the duty of the registrar within five days after each sitting, to have posted at three or more public places in his election district written or printed lists of the names of all persons so admitted to registration, and at the same time to also certify to the clerk of the circuit, hustings, or corporation court of the county, city, or town, a true copy of such list and to have like list posted on the day of the election at the place of voting in his election district.

And it shall be the duty of the said clerk upon receipt of such list, to forthwith record in a suitable book, to be kept in his office for that purpose, the names of the registered voters so certified, in alphabetical arrangement.

For making and certifying such list the registrars shall be allowed three cents for each ten words counting initials as words and the clerks for recording the same shall be allowed two cents for each ten words, counting initials as words, the same to be paid out of the treasury of county, city, or town.

Sec. 79. *Clerks to furnish registrars with names of voters who have been convicted of certain offences; their names and the names of persons who have died to be struck from books.*—The county clerk, and the clerk of each hustings or corporation court shall, at each registration, deliver to each registrar in his county or city a list of all voters who have been convicted of any of the offences enumerated in section twenty-three of the Constitution since the last registration. It shall be the duty of the registrar to correct his list in accordance with the list thus furnished, and he shall strike from the list of voters the name of any person so convicted upon the production before him of a certificate of the clerk of a court of competent jurisdiction that such person has been so convicted since December first, eighteen hundred and seventy-six, in such court, or has been so convicted by a mayor, police justice or justice of the peace in the county or corporation wherein is held the court to which the said clerk belongs, unless said person shall produce a pardon from the governor, or a certificate from the keeper of rolls that his disabilities have been removed by the General Assembly. It shall also be the duty of the registrar to strike from the list of voters the names of all persons who are proven before him to have died. If any voter whose name has been so stricken off shall appear at any election and offer to vote upon satisfactory proof that he has not changed his residence since his registration, his name shall be restored to the registration books by the judges of election, and he shall be permitted to vote if qualified in other respects.

Sec. 80. Voter changing his residence may change his registration.—Whenever a registered voter changes his place of residence from one election district to another in the same county or city it shall be lawful for him to apply for, in person or in writing, and it shall be the duty of the registrar of his former election district, at any time up to and including the regular days of registration, to furnish a certificate that he was duly registered and that his name, has, since his removal, been erased from the registration books of said election district, which shall be sufficient evidence to entitle him to be registered in the election district to which he has removed, on its appearing to the satisfaction of the registrar that he has resided prior to the next election in such district for thirty days, and the name of every such person shall be entered at any time up to and including the regular days of registration by the registrar on the registration books of the election precinct to which the voter has removed; and whenever a registered voter changes his place of residence from one county or city to another county or city it shall be lawful for him to apply to the registrar of his former election district at any time up to and including the regular days of registration, in person or in writing, to furnish a certificate that he was duly registered and that his name since his change of residence and removal has been erased from the registration books of said election district, which certificate shall be delivered to the registrar of the election district in which he resides and offers to be registered in the county or city to which he has removed, and will entitle him to be registered in said district on its appearing, to the satisfaction of said registrar, that he has resided, or will have resided prior to the next election in the county or city to which he has removed, for one year; and the name of every such person shall be entered at any time up to and including the regular days of registration on the election books of the election district in which said person resides; and no voter who has been heretofore registered at any election district in this State shall be entitled to be registered in any other election district unless he shall deliver to the registrar of the district in which he offers to be registered said certificate, which shall be kept on file by said registrar.

Sec. 81. When bounds of district changed; how voter may change his registration.—When the boundaries of any election district, changed in pursuance of law, shall include the residence of any voter who has already registered in another election district, it shall be lawful for said voter to change his place of registration to his own election district in the manner provided for a registered voter in the preceding section.

SEC. 82. Duty of registrars when bounds of election districts changed. — When a re-arrangement of existing election districts is made, the registrars thereof shall make out, certify, and deliver to each other lists of the registered voters in their respective districts whose voting places are changed by the re-arrangement; or when a new election district is created out of one or more already existing, the registrar of the old district or districts shall make out, certify, and deliver to the registrar of the new district a list of the registered voters who have been placed by the change in the new district. The registrars to whom said lists are delivered shall forthwith enter the names of the persons contained in said lists in their respective registration-books; and the said persons shall at once acquire the right to vote in the districts, respectively, to which they are so transferred. The names thus transferred shall be stricken by the registrars transferring them from their registration-books; and when a new district is created as aforesaid, the registrar of the old district shall, after making such transfers, make out new registration-books for his district. For such services as may be rendered by the registrars under this section, the board of supervisors of the county or the council of the city, as the case may be, shall make proper allowance.

SEC. 83. *To provide an appeal to any person denied registration.*—(Approved November 28, 1903.)

1. Be it enacted by the General Assembly of Virginia, That any person denied registration shall have the right to appeal, without payment of writ tax or giving security for costs, to the circuit court of the county or to the corporation court of the city, in which he offers to register, or to the judge thereof in vacation, by presenting to such court or judge, within ten days thereafter, a petition in writing to have his right to register determined, containing a statement of the facts proved before the said registrar, to which the registrar shall make answer in writing. The matter shall be heard and determined upon such petition and answer and such evidence as may be introduced in support thereof.

2. Such proceedings shall take precedence over all other business of the said court or judge, and shall be heard as soon as possible.

3. Upon the filing of such petition the clerk of the court shall at once give notice to the Commonwealth's attorney for his county or city, whose duty it shall be to appear and defend against said petition in behalf of the State.

4. Judgment in favor of the petitioner shall entitle him to registration. From judgment rendered against him a writ of error shall lie to the supreme court of appeals in favor of the petitioner.

5. This act shall be in force from its passage.

SEC. 84. *Registrar to deliver books to judges of election; fine for failure.*—The registrar at each place of voting shall deliver to the judge of election his registration-books not later than sunrise on the morning of election day; and after such election the judges of election shall turn over the registration-books to the registrar, who shall keep and preserve the same, and the said registration-books at all times be open to public inspection. Any registrar negligently failing so to deliver his books shall be fined thirty dollars; and any registrar wilfully failing so to do, shall be fined not less than twenty, nor more than one hundred dollars and imprisoned in jail not less than six nor more than twelve months.

SEC. 85. *Registrar to be a conservator of the peace.*—Every registrar shall preserve order at and in the vicinity of the place of registration; and to enable him to do so, he shall be clothed with all the powers of a conservator of the peace while engaged in the duties imposed by law; may exclude from the place of registration all persons whose presence he deems unnecessary, and may appoint special constables, not exceeding three in number, in each magisterial district or ward, and may summon the bystanders or other persons in the vicinity to assist whenever, in his judgment, it shall be necessary to preserve order.

SEC. 86. *How registration books purged.*—It shall be lawful for any five qualified voters of an election district, fifteen days previous to either of the regular days of registration, to post written or printed notices at not less than three public places in said district, including the voting place therein, of the names of all persons alleged by said voters to be improperly on the registration-books of that district. The notice shall be signed by the persons posting the same. On the regular day of registration the registrar shall hear testimony produced for or against the right of persons named in said notice to be retained on the registration-books; and if he be satisfied that any person mentioned in said notice has removed from the election district, has died, or for any other reason is not a qualified voter, he shall strike his name from the registration books. From such decision of the registrar any person may appeal in the same manner as is provided in section eighty-three. The registrar shall immediately after the regular day

of registration post written or printed notices at the voting place and at two other public places in his election district of all the names stricken from the registration-books. If the registrar should be unable to hear the evidence to the names posted on the regular days of registration, the books may be kept open, as to such names only, for four other days.

STATE, COUNTY, DISTRICT AND CITY OFFICERS.

Terms of Office; Vacancies.

SEC. 87. *Governor, lieutenant-governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, and commissioner of agriculture; election; term of office.*—The governor, lieutenant governor, attorney-general, secretary of the Commonwealth, State treasurer, superintendent of public instruction, and commissioner of agriculture shall be chosen by the qualified voters of the Commonwealth, at the general election to be held on the Tuesday after the first Monday in November, of the year one thousand nine hundred and five, and every fourth year thereafter, and shall hold their offices for a term of four years, to commence on the first day of February next succeeding their election.

SEC. 88. *Returns; how votes counted and election determined.*—The secretary of the Commonwealth, on the first day of the session of the General Assembly next succeeding the election of a governor and lieutenant-governor, shall deliver the returns of such election to the speaker of the House of Delegates, who shall within one week thereafter, in the presence of a majority of the Senate and House of Delegates, open said returns, and the vote shall be counted, and the election determined in conformity with the provisions of the seventeenth section of article five of the Constitution.

SEC. 89. *When offices of governor and lieutenant-governor vacant, who to discharge duties; how vacancies filled.*—When a vacancy occurs in the office of governor and lieutenant-governor, the duties of the office of governor shall be discharged by the president pro tempore of the Senate, until a governor is elected and qualified; or if the Senate be not in session, by the person who was president pro tempore at the close of the next preceding session. While so discharging the duties of the office of governor, such person shall not act as president pro tempore of the Senate, nor vote as a member thereof. He shall, within five days after such vacancy occurs, issue writs of election for the unexpired terms of the said officers, to be held within sixty days from the issuing of such writs. If the General Assembly be not in session at the time of such election, or be not otherwise convened within sixty days thereafter, it shall be his duty to convene the same within the sixty days, in order that the vote may be counted in the mode prescribed by the Constitution.

SEC. 90. *When office of lieutenant-governor vacant, who to discharge duties.*—When a vacancy occurs in the office of lieutenant-governor only, the duties of that office shall be discharge by the president pro tempore of the Senate, but he shall not by reason thereof be deprived of his right to act and vote as a member of the Senate.

SEC. 91. *When office of attorney-general, State treasurer, secretary of the Commonwealth, superintendent of public instruction vacant, how filled.*—When a vacancy occurs in the office of attorney-general during the session of the General Assembly, it shall be filled by election by the joint vote of the two houses. If such vacancy occurs when the General Assembly is not in session, the State treasurer, auditor of public accounts, and second auditor, or a majority of them, shall elect an attorney-general and shall certify the fact to the governor. The person so elected shall hold office until the end of the unexpired term, or until thirty days after the com-

mencement of the next session of the General Assembly, whichever may happen first. At such next session an attorney-general shall be elected by the joint vote of the two houses for such part of the term as has not expired. A vacancy in the office of secretary of the Commonwealth, State treasurer, or superintendent of public instruction occurring during the session of the General Assembly shall be filled for the unexpired term by a joint vote of the two houses. Should a vacancy occur in any of such offices during a recess of the General Assembly, the governor shall fill such vacancy by appointment, the appointee to hold for the unexpired term, or until thirty days after the commencement of the next session of the General Assembly, whichever shall happen first. At such next session the General Assembly shall fill any such vacancy by an election by the joint vote of the two houses for the unexpired portion of the term.

SEC. 92. (As amended by act of March 14, 1906.) *Sheriffs, attorneys for the Commonwealth, commissioners, and treasurers; when elected; term of office.*—Sheriffs, attorneys for the Commonwealth and county treasurers shall be chosen by the qualified voters of the respective counties at the general election on the Tuesday after the first Monday in November, nineteen hundred and three, and every fourth year thereafter, and shall hold their offices for the term of four years from the first day of January next succeeding after election. The commissioners of the revenue for each county shall be appointed by the circuit courts of their respective counties, or by the judges of such courts in vacation, at some time between the first day of July and the first day of October, in the year nineteen hundred and seven, and between those dates every fourth year thereafter, and shall hold their offices for the term of four years from the first day of January next succeeding their appointment. The commissioners of the revenue now in office shall continue to discharge the duties of their respective offices until their successors shall be appointed and qualified.

SEC. 93. *Clerks of courts; when elected; term of office; when clerk of county court to be clerk of circuit court.*—In every county there shall be a county clerk, who shall be clerk of the circuit court of the said county. The terms of the clerks of the county and circuit courts now in office, or their successors, shall continue until the first day of February, nineteen hundred and four; and thereupon the several clerks of the county courts in those counties in which such clerks are now ex-officio clerks of the circuit courts of said counties, and the clerks of all the other county courts of the State, except the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Fauquier, shall be and become the county clerks of their respective counties and as such the clerks of the circuit courts created therefor by the Constitution, and shall hold office as such until the first day of January, nineteen hundred and six, unless sooner removed, and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five: provided, that the first term of the clerks so elected be for six years, and their successors shall be chosen on the Tuesday after the first Monday in November, nineteen hundred and eleven, and every eight years thereafter. In the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Fauquier, in which there are now separate clerks for the county and circuit courts thereof, there shall be elected on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, county clerks for such counties: provided, however, that the terms of office of all county clerks chosen at the first election held under this section shall expire on the first day of January, nineteen hundred and twelve.

SEC. 94. *Voters of cities not to vote for county officers.*—Nothing contained in the two preceding sections shall be construed to authorize the voters of any city living within the corporate limits thereof, to vote at any election held for treasurer, Commonwealth's attorney, sheriff, clerk, or any commissioner of the revenue for the county in which the said city is located, or is a part.

SEC. 95. *Surveyors and superintendents of the poor, how appointed; term of office.*—Each county judge, upon the recommendation of the board of supervisors of each county in which he holds his court shall, between the passage of this act and the first of January, nineteen hundred and four, and every circuit judge in the month of November, nineteen hundred and seven, and every fourth year thereafter, shall, upon like recommendation, appoint for each county in which he holds his court, one county surveyor and one superintendent of the poor; provided, that such judge may, if he think proper reject the recommendation, and unless the Board of Alder men recommend other persons, suitable, in his opinion, for said offices, within thirty days after their first recommendation has been rejected, he shall fill the said offices, or either of them, by his own appointment, in term or vacation

No recommendation made by the board of supervisors shall be rejected by the judge, except for reasons entered of record. Said officers shall enter upon the duties of their offices on the first day of January next succeeding their appointment, and shall hold their offices for the term of four years.

SEC. 96. *When district officers to be elected; term of office.*—In each magisterial district there shall be chosen by the qualified voters thereof at the general election to be held on Tuesday after the first Monday in November, in the year nineteen hundred and three, and every four years thereafter, one supervisor, one constable, three justices, and one overseer of the poor, who shall hold their respective offices for the term of four years.

SEC. 96a. In those counties now having a special road law, whose officers were elected by the people for the term of two years, the term of road commissioner, road director, and any other district officer is hereby extended for the further period of two years from the expiration of the term to which they were last elected. After the expiration of said extended period the regular term to which all such district road officers shall be elected shall be four years.

SEC. 97. *Additional justices and constables provided for.*—Whenever a circuit court shall be of opinion that the public service requires a greater number of justices or constables in any district than those specified in section ninety-six, and shall so enter of record and designate the number of such additional officers, notice thereof shall be published in such district, and at the next succeeding general election of district officers, such additional officers shall be elected in the mode prescribed for the election of district officers, and continue to be elected at each succeeding general election of district officers until otherwise ordered by the court. And it shall be lawful for the said court to appoint officers to serve until such additional officers are elected and qualified. Such officers, whether elected or appointed, shall qualify and give bond as prescribed for district officers. The said court may, in its direction, revoke the order requiring such additional officers, such revocation to take effect at the expiration of the terms of such officers.

SEC. 98. (As amended by act of March 14, 1906.) *Providing for officers of cities; their election and terms of office.*—In each city of this Commonwealth there shall be elected by the qualified voters thereof on the

second Tuesday in June, nineteen hundred and four, and every four years thereafter, a mayor, who shall be the chief executive officer of such city, whose term of office shall begin on the first day of September succeeding his election, and continue for four years thereafter. On Tuesday after the first Monday in November, nineteen hundred and five, and every four years thereafter, the qualified voters of each of the cities of this Commonwealth shall elect a city sergeant, an attorney for the Commonwealth, a city treasurer, and all other city officers elected by such qualified voters, whose election is not otherwise provided for by law, whose term of office shall begin on the first day of January next succeeding their election, and continue for four years thereafter. In each city which has a court in whose office deeds are admitted to record, except the cities of Bristol, Radford and Buena Vista, there shall be elected by the qualified voters on Tuesday after the first Monday in November, nineteen hundred and five, and every eight years thereafter, a clerk of such court to be called the clerk of the corporation or hustings court, whose term of office shall begin on the first day of February of the second year after such election, and shall continue thereafter for eight years, and in the city of Richmond there shall be elected also at the same time and for the same terms a clerk of the chancery court and a clerk of the law and equity court of the city of Richmond, whose terms of office shall begin on the first day of February of the second year after such election.

In cities having a population of thirty thousand or more there shall be elected by the qualified voters a separate clerk of the circuit court of such city on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, whose term of office shall begin on the first day of January, succeeding his election and continue thereafter for eight years: provided, that the terms of such clerks first elected under this section shall begin on the first day of January, nineteen hundred and four and shall expire on the first day of January, nineteen hundred and twelve: provided, that the present terms of the clerks of city courts not herein otherwise expressly provided shall continue until the first day of February, nineteen hundred and four.

In the cities of Radford, Bristol and Buena Vista there shall be elected by the qualified voters on Tuesday after the first Monday in November, nineteen hundred and three, and every eight years thereafter, unless such courts are sooner abolished, a clerk of such city court, to be called the clerk of the corporation court, whose term of office shall begin on the first day of February following his election, and continue for eight years thereafter, unless the said court shall be sooner abolished.

The commissioners of the revenue for each of the cities of this Commonwealth shall be appointed by the corporation or hustings court of their respective cities, or by the judges of such courts in vacation; or if there be no such corporation or hustings court, then by the circuit court having jurisdiction in such city at some time between the first day of July and the first day of October in the year nineteen hundred and nine, and between those dates every fourth year thereafter, and shall hold their offices for the term of four years from the first day of January next succeeding their appointment. The commissioners of the revenue now in office shall continue to discharge the duties of their respective offices until their successors shall be appointed and qualified.

SEC. 99.—All provisions of any city charter in conflict with this section are hereby repealed.

SEC. 100. *When election held to fill vacancy.*—In case the election to any public office required to be filled by the qualified voters of any county, corporation, magisterial district, or ward, shall not be specially provided for by law, an election to such office may be had at the general election held next before the time provided for the term of such office to commence.

SEC. 101. How election for free school purposes held and results determined.—All officers who, under the general laws, are charged with the conduct of elections and the determination of the results thereof, shall render official service in the matter of votes ordered for public free school purposes, under such regulations as shall be prescribed by the board of education. But all elections for public free school purposes shall be held, after notice thereof, given according to section one hundred and fifteen.

SEC. 102. When officers to enter upon their duties.—All State, county, district, and city officers chosen at a general election shall, unless otherwise provided, enter upon the duties of their respective offices on the first day of January next thereafter, except that the terms of office of mayors and councils of cities shall begin on the first day of September succeeding their election. They shall continue to discharge the duties of their respective offices until their successors shall have qualified.

SEC. 103. When term of officer elected to fill vacancy commences and expires.—The term of office of any person chosen at a special election to fill a vacancy in any public office shall commence as soon as he shall qualify and give bond, and continue for the unexpired term of such office.

SEC. 104. When duties of officers appointed under section ninety-seven begin and end.—Any person appointed a justice or constable under the provisions of section ninety-seven, or to fill a vacancy in any public office, shall enter upon the duties thereof as soon as he shall have qualified, and continue to discharge the same until the person chosen to fill the office has qualified.

SEC. 105. To whom writs of election directed.—A writ of election shall be directed to the sheriff of the county or sergeant of the corporation for which the election is to be held; or if the election is to be held for an election district, or to fill a vacancy in the general assembly or in congress, to the sheriffs and sergeants of the respective counties and corporations which, or any part of which, are included in the district.

SEC. 106. By whom and when issued; how vacancies temporarily filled.—When a vacancy occurs in any county, city, town, or district office, the same shall be filled by the court of the county or city in which it occurs, or the judge thereof in vacation: provided, however, that if such vacancy occurs in any office of a city or town as to filling which vacancy there is no provision in the charter or ordinances of such city or town, and which has no corporation or hustings court, the same shall be filled by the court of the county in which said city or town is situated, or by the judge thereof in vacation; when in the office of clerk of a county, by such court, or the judge thereof in vacation; when in the office of clerk of the chancery court of the city of Richmond, by the said court, or the judge thereof in vacation; when in the office of sheriff of said city, by the circuit court thereof; and when in the office of corporation or hustings court clerk, or attorney for the Commonwealth for a city, by the corporation or hustings court of such city, or the judge thereof in vacation. The term of office of any person appointed under this section shall commence as soon as he shall qualify and continue for the unexpired term of such office: provided, further, when a vacancy occurs in a city or town office, and the charter of such corporation prescribes the mode of filling such vacancy, the vacancy shall be filled in the mode so prescribed.

SEC. 107. Vacancy may be filled by judge in vacation.—Any appointment authorized by the preceding section to be made by a court may be made by the judge thereof in vacation; and the appointment, when made in va-

cation, shall be certified by the judge making the same to the clerk of his court, to be entered as a vacation order.

SEC. 108. *Appointees to qualify and give bond in thirty days.*—All officers, appointed under the two preceding sections to fill vacancies shall, within thirty days after appointment, qualify and give bond before the court or judge making their appointment, and if before the judge in vacation, he shall certify the fact and the certificate and bond shall be returned and recorded as provided by law.

EXTRACTS FROM THE ELECTION LAWS.

SEC. 109. (As amended by act of February 17, 1906.) *General elections; when held.*—There shall be held throughout the State, on the Tuesday after the first Monday in November in the counties and cities and on the second Tuesday in June in the cities and towns, general elections for all officers required to be chosen at such elections, respectively.

SEC. 110. *Special elections; what, and when held.*—Special elections shall be deemed to be such as are held in pursuance of a special law, and also such as are held to supply vacancies in any office, whether the same be filed by the qualified voters of the State or of any county, corporation, magisterial district, or ward, and the same may be held at such time as may be designated by such special law or the proper officer duly authorized to order such elections.

SEC. 111. *Elections; where held.*—Polls shall be opened at each place of voting prescribed by law in counties, corporations, and election districts in which officers are to be elected by the people.

SEC. 112. *Election districts; how constituted.*—Each magisterial district of a county, and each ward of a city, shall severally constitute an election district, unless such magisterial district or ward be divided into more election districts than one, and the elections therein shall be held at such place or places as may be designated by the proper authorities appointed by law for that purpose. The election districts and voting places as now constituted shall so continue unless and until changed as hereinafter provided.

SEC. 113. *How number increased or diminished, or boundaries altered.*—Upon the petition of twenty qualified voters of a magisterial district of a county, the circuit court of such county may, in its discretion, alter the boundaries of any election district therein, and rearrange, increase, or diminish the number thereof, and it may change the voting places, or establish others therein, not to exceed, however, one voting place for each election district. When an order is entered under this section rearranging, increasing, or diminishing the number of election districts in a magisterial district, it shall be the duty of the court in its order to designate such new election district or districts by proper and well-defined boundaries. A copy of the order shall be posted, without delay, at the courthouse of the county, also at each new voting place established, and at any former voting place which may be affected by the change: provided, that no change shall be made in any of the said boundaries or voting places within thirty days next preceding any general election, nor until notice shall have been posted for thirty days at the front door of the courthouse and at each voting place in each election district to be affected by the said change.

SEC. 114. *Councils of cities to establish election districts.*—The council of a city shall establish for each ward as many election districts as it may deem necessary, and a voting place in each district (but so that there shall not be less than one election district for every one thousand voters or fractional part thereof above five hundred), and prescribe and cause to be published the boundaries of said districts; and it may alter the boundaries of any such election district, and rearrange, increase, or diminish the number thereof, and change the voting places or establish others therein, not to

exceed, however, one voting place for each election district: provided, that no change shall be made in any of the said boundaries or voting places within thirty days next preceding any general election.

SEC. 115. *When special election ordered by governor, et cetera; how writ issued and notice given.*—Whenever a special election is ordered by the governor, speaker of the house, or president of the senate, it shall be his duty to issue a writ of election, designating the office to be filled at such election and the time such election is to be held, and transmit the same to the sheriff of the county and the sergeant of the corporation in which such election is to be held, to be by such sheriff or sergeant published by posting a copy thereof at each voting place in his county or corporation at least ten days before such election.

SEC. 116. *How in other cases.*—Whenever a special election is ordered to fill a vacancy otherwise than under the preceding section, it shall be the duty of the officer ordering such election, at least twenty days before such election, to issue his writ of election, directed to the sheriff of the county or sergeant of the corporation in which the election is to be held designating therein the office to be filled, and the time and place of holding the same; upon receipt of which such officer shall proceed to cause public notice to be given of such election in the same manner as is required in the preceding section.

SEC. 117. *How judges of election appointed; failing to attend, who to act.*—It shall be the duty of the electoral board of each city and county appointed as provided by section thirty-one of the Constitution, in May, nineteen hundred and four, and in each year thereafter, to appoint three competent citizens, being qualified voters, whose terms of office shall begin on the first of June following their appointment, who shall constitute the judges of election for all elections to be held in their respective election districts for the term of one year or until their successors are appointed, and shall at the same time appoint two clerks for each place of voting, whose terms of office shall be coincident with the judges, to whom shall be administered by the judges, or either of them, or by the officer swearing the judges, the same oath as that taken by the said judges. Whenever it is possible to do so, the persons so appointed judges of election shall be chosen for each voting place from persons known to belong to the two political parties casting the highest and next highest number of votes at the last preceding election, each of whom shall be able to read and write. The members of any electoral board who shall wilfully fail to comply with this requirement shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred nor more than five hundred dollars; but no election shall be deemed invalid when the judges shall not belong to different political parties or shall not possess the above qualifications. Should any judge of election fail to attend at any place of voting for one hour after the time prescribed by law for opening the polls at such election it shall be lawful for the judge or judges in attendance to select from among the bystanders one or more persons possessing the qualifications of judges of election, who shall act as judge or judges of such election, and who shall have all the powers and authority of judges appointed by said electoral board: provided, however, that if the judge or judges present have information that the absent judge or judges will not attend, he or they need not wait for the expiration of an hour or any other time. Should all the judges appointed for any place of voting fail to attend at the place of voting for one hour after the time prescribed by law for opening the polls at such election, it shall be the duty of any justice of the district in which the election is held, who shall be applied to for that purpose, or the mayor, if the election is in any election district in a town or

a city, to appoint three judges of election for such election district, who shall possess the same qualifications and have the same powers as judges appointed by an electoral board. Should no judges of election be appointed for any county, city, or place of voting therein, or if appointed they neglect or refuse to act for one hour after the time prescribed by law for opening the polls at such election, it shall be lawful for any three qualified voters of the district, who shall be present and willing to act upon taking the oath prescribed for judges of election, to proceed to hold, conduct, and certify the election in the manner provided in this chapter, and for that purpose shall have all the powers and authority of judges appointed by an electoral board, which shall include the power to appoint clerks if those chosen by the electoral board shall fail to attend or refuse to act.

SEC. 118. *Qualification of judges and clerks.*—No person shall act as a judge or clerk of any election who is a candidate or the deputy or employee of any person who is a candidate for, any office to be filled at such election, or who is the deputy of any person holding any office or post of profit or emolument under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof. And before any judge or clerk of election shall enter upon the performance of the duties imposed upon him by law he shall take and subscribe an oath in the following form, to-wit: "I, A. B, judge (or clerk) of the election (as the case may be), do solemnly swear (or affirm) that I will perform the duties of judge (or clerk) of the election (as the case may be) according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election. So help me God." If there is no one present authorized to administer oaths, the judges of election may administer to each other and to the clerks the oaths above provided.

SEC. 119. *How and by whom poll books furnished.*—It shall be the duty of the county clerk of the county, and the clerks of the corporation courts, on the first day of April and October in each year, to make out and transmit to the Secretary of the Commonwealth a list of the number of election districts in their respective counties and corporations, together with the number of voters in such district; upon the receipt of which the Secretary of the Commonwealth shall transmit to the said clerks, respectively, duplicate poll books or poll lists for each election district in their respective counties or corporations, of sufficient size to contain the names of all the voters therein.

SEC. 120. *Form of poll books.*—The following shall be the form of poll books to be kept by the judges and clerks of election:

Poll books of election held in the county of _____ in the election district of _____ (or in the election district of _____ ward of _____ city) in the year one thousand eight hundred and _____ A B, C D, _____ and E. F. judges, and G H, clerk of said election, were respectively sworn (or affirmed) as the law directs previous to their entering on the duties of their respective offices.

Number and Names of Electors.

A B,	No. 1.
C D,	No. 2.
E F,	No. 3.
G H,	No. 4.

It is hereby certified that the number of electors at this election amounts to _____. And we further certify that _____ ballots were not counted because void.

Attest:

A B, }
C D, } Judges.
E F, }

G. H. }
I. G. } Clerks.

Names of persons voted for, and for what office, containing the number of votes given for each candidate:

Governor.	Lieutenant-Governor.	Representatives in Congress.
A,—1, B,—1,	C,—1, D,—1,	E,—1, F,—1,

Representatives in State Legislature.

Senate.	House of Delegates.
G,—1, H,—1,	J,—1, K,—1,

And such other officers as may be voted for at the said election.

We hereby certify that A had _____ votes for governor, and B had _____ votes for governor; that C had _____ votes for lieutenant-governor, et cetera.

A B, }
C D, } Judges.
E F, }

G. H. }
I. G. } Clerks.

SEC. 121. *When polls opened and closed.*—At all elections by the people the polls shall be opened at each voting place at sunrise of the day on which the election is directed to be had, and closed at sunset of the same day.

SEC. 122. *Elections to be by ballot.*—Every elector shall vote by ballot, and each person offering to vote shall deliver a single ballot to one of the judges of election, in the presence of the other two judges. The ballot shall be a white paper ticket, without any distinguishing mark or symbol, and containing on one side the names of the candidates, and offices to be filled, in clear print and due and orderly succession, and the names of all persons voted for by an elector shall be on one ballot, and the form thereof shall be the same in all places when the same persons shall be voted for for the same offices; but any voter may erase any name on the ballot voted by him and insert another.

SEC. 122a. *Duty of candidates for office.*—Any person who intends to be a candidate for any office, State or national, to be elected by the electors of the State at large or of a congressional district shall, at least twenty days before such election, notify the Secretary of the Commonwealth, in writing attested by two witnesses, of such intention, designating the office for which he is a candidate. Such written notice shall be signed by the said candidate, but if he be incapable of writing his proper signature, then some mark adopted by him as his signature shall be acknowledged before a justice of the peace or other officer authorized to take acknowledgments to deeds and in the same manner. Any person who intends to be a candidate for any office not embraced in the foregoing at any election shall give notice at least twenty days before such election to the county clerk or clerks of the corporation or hustings courts of the county or counties or the city or cities whose electors vote for such office, which notice shall in all respects be in the same form as that above described required to be given to the Secretary of the Commonwealth. No person not announcing his candidacy as above shall have his name printed on the ballots provided for such election. On receipt of the foregoing notice it shall be the duty of the Secretary of the Commonwealth to notify the secretary of each electoral board of each county or city of the State or of said congressional district, and it shall be the duty of said clerk or clerks to notify the secretary of the electoral boards of their respective counties or cities, which notices shall be sent by the Secretary of the Commonwealth and clerks immediately after the time has expired in which candidates may give notice of their candidacy as prescribed by this section. Said clerks shall send copies of the original notices of candidacy to the secretary of the electoral board when they notify him. Whenever any secretary of an electoral board is elected he shall at once notify the Secretary of the Commonwealth of his election, and inform him as to his postoffice address.

SEC. 122b. *How and when ballots printed.*—It shall be the duty of the electoral boards of the several counties and cities of this State, within ten days preceding each election, to cause to be printed a number of ballots equal to twice the entire registered vote of the said county or city: provided, however, that in magisterial districts of a county or wards of a city, only the names of the candidates to be voted for in said district or ward shall be placed on the said ballots. These ballots shall be white paper tickets without any distinguishing mark or symbol, shall contain the names of all the candidates complying with the provisions of the law, printed in black ink, immediately below the office for which they have so announced their candidacy, in due and orderly succession, and the names on said ballot shall be in clear print, in the same order and each name in a separate line, and the type used in printing said ballots shall be plain Roman type, not smaller than pica.

Oath of the printer.—The printer with whom the board shall contract for the printing of the said ballots shall, before the work is commenced, take an oath before the secretary of said board, who is hereby empowered to administer said oath, to the following effect "I, _____, solemnly swear that I will print (here insert number) ballots according to the instruction of the electoral board of the county (or city) of _____; that I will print, and permit to be printed, directly or indirectly, no more than the above number; that I will at once destroy all imperfect and perfect impressions other than those required to be delivered to the electoral board; that as soon as said number of ballots is printed I will distribute the type used for said work; and finally, that I will not communicate to any one whomsoever, in any manner whatsoever, the size, style, or contents of said ballots."

This oath shall be reduced to writing and signed by the person taking it, and also a similar affidavit shall be required of any employee or other person engaged upon said work, or who shall have access to it; and any intentional violation of said oath shall constitute the crime of perjury. It

shall be the duty of said board to designate one of their number to be continuously present in the room in which the said ballots are printed from the commencement until the end of said work, and see that the undertakings of said oath are strictly complied with. For the faithful discharge of said duty he shall receive the compensation of two dollars. As soon as said ballots are printed they shall be securely wrapped and sealed, and such member of the electoral board shall take them into his exclusive possession, allowing no one to examine them; nor shall such member communicate to any one any information as to the size, style, or contents of said ballots. He shall continue in such exclusive possession until he delivers said ballots to the electoral board as hereinafter provided. Any violation of the provisions of this section, for which no punishment has been otherwise provided, shall be deemed a misdemeanor and punished by a fine of two hundred dollars and imprisonment for one month in jail.

SEC. 122c. *Elections for president and vice-president.*—In elections for president and vice-president of the United States the names of electors selected by the different political parties, together with the names of the candidates for whom they are expected to vote in the electoral college, shall be furnished to the Secretary of the Commonwealth by any person or persons representing said parties at least thirty days before any election for the said electors of president and vice-president of the United States; and thereupon it shall be the duty of the Secretary of the Commonwealth to immediately notify the secretary of each electoral board of each county or city of the State; and it shall then become the duty of the electoral boards of the several counties and cities within the State, within twenty days preceding such election, to cause to be printed on the official ballot provided for in this act the name of each candidate for president and vice-president of each political party, the names of the electors nominated by the political party of such candidates; and the qualified voters at said election shall designate their preference for any candidates for president and vice-president by scratching the names of the other candidates for president and vice-president, as is provided in section one hundred and twenty-two *h* of this act, and the ballots shall be counted as they would be counted if the names of the electors had been scratched.

SEC. 122d. *Duties of electoral boards, seal, et cetera.*—It shall be the duty of the electoral board to procure and adopt a seal, if there be not one already adopted by the electoral board of such city or county under the laws in force prior to the passage of this act, which seal may be changed from time to time in the discretion of said board, and shall not be less than two inches in diameter. Said board shall meet as soon as convenient after the printing of the ballots as provided for in this chapter, of which meeting the chairman of the board of supervisors of the county or the judge of the corporation court of the city, shall be notified, and at which there shall be present the said chairman or judge and the members of the said board, but no other persons. And said chairman or judge shall thereupon enter of record upon the minutes of the electoral board an affidavit stating that said ballots were counted and sealed in his presence in the manner prescribed by law. And in the event of the inability, through sickness or other incapacity, of the said chairman or judge to discharge any of the duties imposed by this act, it shall be lawful for the said duties to be performed by some other member of the board of supervisors of said county, or the judge of some other corporation. At this meeting the member of the board who shall have secured from the printer the ballots as hereinbefore required shall deliver said ballots to said board. The ballots shall then be carefully counted by said board and the number thereof entered by the secretary of the board in a book provided by him and kept for such purpose. The board shall affix its seal to every ballot printed as above provided, upon the side reverse from that upon which the names of the candidates appear. Of the said ballots

They shall make as many packages as there are voting precincts in said county or city, one for each precinct, which package shall contain twice as many official ballots as there are voters registered at the precinct for which it is intended. Each of these packages shall be securely sealed so that the ballots shall be invisible, and so that they could not be readily opened without detection. Upon each of said packages shall be endorsed the name of the precinct for which it is intended and the number of ballots therein contained. The packages designed for the various precincts shall remain in the exclusive possession of the secretary of the board until delivered by him to the judges, or one of the judges, of election of the several precincts as hereinafter provided, or until he shall have delivered the same to one or the other members of the board to be delivered to the judge or judges as required by this act. The secretary of said electoral board shall keep in his sole custody the seal or stamp of said board and in a sealed package, to be opened only in the presence of the electoral board and the chairman or other member of the board of supervisors or the judge of the corporation court when in the discharge of their duties as prescribed by this act.

SEC. 122e. *How and when ballots opened.*—Before every election the secretary of the electoral board shall deliver to the judges, or one of the judges, of election the package of official ballots for that precinct, taking a receipt therefor and a certificate that the seals appeared to be untampered with. And in the event of the inability, by sickness or other incapacity, of said secretary to deliver said official ballots as herein provided, the said electoral board or the said secretary may cause them to be delivered by another member of said board. Said sealed package, at the opening of the poll, shall be opened in the presence of the clerks and judges of election, and the ballots in said package shall then be carefully counted. All ballots remaining unused at the close of the polls shall be carefully destroyed before the box is opened. Any person wilfully and corruptly failing to perform the duties required of him, or intentionally violating any of the provisions of this section, or opening any sealed package of official ballots, except as especially provided for herein, shall be deemed guilty of a misdemeanor and be punished with a fine of two hundred dollars and imprisonment one month in jail.

SEC. 122f. *How voting places arranged.*—It shall be the duty of the electoral board of the several counties and cities to provide at each of the voting places in their respective counties and cities a small compartment or booth large enough to contain and conceal from general observation a voter, and a desk or other convenience for writing. In said booth there shall be placed pen and ink. Said compartment or booth shall be so erected that a person standing at said desk in said booth or compartment shall be wholly excluded from the observation of the clerks, judges of election, and other persons. The said board, in its discretion, may have one or more of said booths at said voting places.

SEC. 122g. *Persons approaching ballot box; order of voting.*—Except as hereinafter provided for save the judges of election and clerks, no person other than the elector offering to vote shall be within forty feet of the ballot-box. The judges of election shall promptly decide any dispute as to precedence of electors to the right to vote, deciding who first offered, or if two or more offered at the same time, selecting the one to whom precedence shall be given; but in case of a challenge the challengers and challenged and the witnesses may appear before the judges; when such challenge is decided, only the elector having the right to vote shall remain within the prescribed limits.

SEC. 122h. Method of voting.—Every elector qualified to vote at a precinct, shall, when he so demands, be furnished with an official ballot by one of the judges of election elected for that duty by a majority of the judges present. The said elector shall then take the said official ballot and retire to said voting booth. He shall then draw a line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the title of the office and the name or names of the candidates he wishes to vote for unscratched. No name shall be considered scratched unless the pen or pencil mark extends through three-fourths of the length of said name; and no ballot, save an official ballot specially prepared as above provided for, shall be counted for any person. He shall fold said ballot with the names of the candidates on the inside and hand the same to the judge of election, who shall place the same in the ballot-box without any inspection further than to assure himself that the ballot is a genuine ballot, for which purpose he may, without looking at the printed inside of said ballot, inspect the official seal upon the back thereof: provided, it shall be lawful for any voter to erase any or all names printed upon said official ballot and substitute therein in writing the name or names of any person or persons for any office for which he may desire to vote.

SEC. 122i. Ballot not to be carried away or copied; penalty.—It shall be unlawful for any elector to carry the official ballot furnished him by the judge of election further than the voting booth or make any copy thereof, and should he, after inspecting said ballot, conclude not to vote, he must immediately return said ballot to the judges of election. Except as hereinafter provided, no person shall advise, counsel, or assist any elector, by writing, word, or gesture, as to how he shall vote or mark his ballot after the same has been delivered to him by the judges of election. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars and confined in jail six months. To carry any official ballot or copy thereof beyond the voting booth or away from said booth, except to the judges of election, or to vote any ballot except such as shall be received by the elector from the judge of election, shall be a misdemeanor punishable by a fine of one hundred dollars; and it shall be the duty of the judges of election to cause, by verbal order or warrant, the instant arrest of any person making such attempt, and he shall be required to vote or surrender said ballot, and he may be confined in jail by the order of said judges of election until he obeys said requirements, not exceeding ten days.

SEC. 122j. Time allowed for voting.—No elector shall be allowed by the judges of election to remain in said voting booth provided in this act more than two and one-half minutes, to the obstruction of other electors desiring to vote. Said judges of election shall cause any elector attempting to occupy said voting booth for a longer time to retire and surrender his ballot, and he shall not again be allowed to receive an official ballot unless in the discretion of the judges of election another opportunity to vote will not delay or hinder other electors.

SEC. 122k. Defaced ballots.—Should any ballot be unintentionally or accidentally defaced, or in any way rendered unfit for voting by such elector, he shall deliver such defaced ballot to the judges of election and receive another upon taking oath that the defacement of the ballot first delivered to him was not done for the purpose of defacing said official ballot. Any person swearing falsely to such fact shall be deemed guilty of perjury.

Judges to assist certain voters.—Any person registered prior to the first of January, nineteen hundred and four, shall be assisted in the preparation of his ballot by one of the officers of election designated by himself. And

the judges, or a majority of them, shall designate one of their number, whose duty it shall be, at the request of any elector registered after the first day of January, nineteen hundred and four, who may be physically unable to prepare his ballot, to enter the booth with said elector and render him assistance in preparing his ballot by striking out such names as he shall designate. In case said elector be blind, said judge of election so appointed and designated shall prepare said ballot for said elector in accordance with his instructions, but the said judge shall not enter the booth with the voter unless requested by him, and shall not in any manner divulge or indicate, by signs or otherwise, the name or names of the person or persons for whom any elector shall vote. The said judges, or a majority of them, shall have power, from time to time, when and as often as they may see proper, to change the appointment and designation of the judge who shall discharge the duty of assisting voters who are physically disabled or blind, as above provided, and designate another judge in his place and stead to perform the same; and for a corrupt violation of any of the provisions of this section, the person so violating shall be deemed guilty of a misdemeanor and be confined in jail not less than one nor more than twelve months.

SEC. 122l. *Crowds forbidden; counterfeit ballots.*—It shall not be lawful upon the day of elections, for persons to congregate and crowd upon the public highway within one hundred feet of any of the voting places, and any person violating the provisions of this section shall, upon conviction thereof, pay a fine of twenty-five dollars or be confined in jail not exceeding ten days. Any member of the electoral board, the printer who shall print the official ballots provided for by this act, any judge of election, or any person who shall give or sell to any person whomsoever, except where it is distinctly provided by this act, any official ballot or copy, or any fac simile of the same, or any information about the same, or shall counterfeit, or attempt to counterfeit, the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five hundred dollars and imprisoned in jail six months. It shall be the duty of the judges of election to see that the provisions of this act are strictly carried out.

SEC. 122m. *Elections in towns.*—The provisions of this act shall apply to all elections held in this State except as hereinafter provided; and where the election is held in an incorporated town for town officers it shall be the duty of all persons who intend to be candidates for office in said town to give notice of said candidacy to the county clerk of the county in which said town is, as provided by section one hundred and twenty-two a, and said clerk shall notify the electoral board, and the tickets shall be printed and delivered and the election held and conducted in the manner provided by this chapter, and where the election is to be held to ascertain the sense of the qualified voters of this State, or of any county, city, town, or district of any county, upon any question submitted to them by law, it shall be the duty of the electoral board of the county or city, or of the county in which said town or district is, as the case may be, to have the words printed upon the tickets directed by the law submitting said question; but in all other respects said election shall conform to the provisions of this chapter.

SEC. 122n. *Penalty for violations.*—Any violation of the provisions of this chapter for which no punishment has been otherwise provided, shall be deemed a misdemeanor, and punished by a fine not exceeding one hundred dollars, and imprisoned in the county jail not exceeding one month.

SEC. 122o. 1.—No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

2. In all cases where by its plan of organization, or otherwise, any political party in this State requires its candidates to be nominated by primary elections, such elections shall be conducted by the judges and clerks, or other officers designated by the proper committee or other proper authority of any such party, and under such rules, regulations, and requirements as may be prescribed in the plan adopted by such party.

3. All laws intended to secure the regularity and purity of general and local elections, and to prevent and punish any corrupt practices in connection therewith, and the penalties and punishments now or hereafter prescribed by law for such offenses, shall, so far as they may be applicable, apply to all primary elections, whether the same be held under any statute law of this State or under a plan provided by some political party.

SEC. 122p. *Cost of elections.*—The cost of conducting elections under this chapter shall be paid by the counties and cities, respectively.

SEC. 123. *Ballot boxes.*—The board of supervisors of each county and the council of each city shall, at the expense of their respective counties or corporations, procure a ballot-box for each place of voting in any election district destitute of the same, which box shall be provided with a lock and key, and have an opening through the lid of sufficient size to admit a single folded ballot, and no more. Said boxes shall be kept by the judges of election for the use of their several election districts.

SEC. 124. *How emptied before election.*—The judges of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot-boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that is in them, and then lock them, and the key thereof shall be delivered to one of the said judges, and one of the judges shall forthwith proclaim that the polls are open. Said boxes shall not be opened until the close of the polls and for the purpose of counting the ballots therein.

SEC. 125. *Where ballot box kept; how ballots received and names of voters entered on poll books.*—The ballot box shall be kept in public view during all elections. The judge to whom any ballot is delivered shall upon the receipt thereof, pronounce in an audible voice the name of the person from whom the ballot is received, and if his name is found on the registration book, and there be no objection made, the said judge shall, without opening the said ballot or permitting it to be examined (except to ascertain whether it is a single ballot), deposit the same in the ballot-box, whereupon the name of the elector shall be checked on the registration book by one of the judges and entered by the clerks of election on the poll books and correctly numbered: provided, that where a registered voter has changed his place of residence from one election district to another in the same county, and has resided for thirty days in the election district in which he offers to vote, if he has a certificate showing that he was duly registered in his former election district in said county, and that his name has since his removal been erased from the registration books of said election district, it shall be sufficient evidence to entitle him to vote in the district in which he resides, and his name shall be registered in the registration book by the registrar, if he be present, or by one of the judges of election if he be not present: provided, further, that no person who removes from one city or county to another city or county in this State shall be allowed to vote at any election therein without having first registered upon his transfer at the time and in the modes prescribed in sections seventy-eight and eighty of the Code of eighteen hundred and eighty-seven: and, provided, further, that in cities or towns containing over two thousand inhabitants, the name of such per-

son shall not be entered by the judge, but only by the registrar prior to or on the days named in section seventy-eight of the Code.

Sec. 126. Challenges.—Any elector may, and it shall be the duty of the judges of election to, challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

Sec. 127. How challenge tried.—When any person is so challenged the judges shall explain to him the qualifications of an elector, and may examine him as to the same; and if the person insists that he is qualified, and the challenge is not withdrawn, one of the judges shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, that you are twenty-one years old, that you have resided in this State for two years, in this county, city, or town for one year, and in this district thirty days next preceding this election; and that you are not disqualified from voting by the Constitution or laws of this State; that your name is (here insert the name given); that in such name you were duly registered as a voter of this election district; that you are now an actual resident of the same; that you are the identical person you represent yourself to be; that you have not voted in this election at this or any voting place. So help you God." If he refuses to take such oath his vote shall be rejected; if, however, he does take it, his vote shall be received, unless the judges be satisfied, from record or other legal evidence adduced before them, or from their own knowledge that he is not a qualified voter, in which case they may refuse to permit such person to vote. And they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify as to the qualifications of any persons offering to vote. When the vote of any person shall be received, after having taken the oath prescribed in this section, it shall be the duty of the clerks of election to write on the poll books, at the end of the name of such person, the word "sworn."

Sec. 128. How polls closed; when votes canvassed and result declared.—As soon as the polls are finally closed (of which closing proclamation shall be made by the judges fifteen minutes previously thereto) the judges shall immediately proceed to canvass the vote given at such election, and the said canvass shall be continued without adjournment until completed and the result thereof declared.

Sec. 129. How votes canvassed.—The canvass shall commence by taking out of the box the ballots unopened—not in secret, but in the presence of at least two representatives from each political party represented in the election, if such representatives request the judges of election to allow them to be present when the ballots are taken from the box, and said representatives shall be entitled to be present and witness the count of the ballots and the making up of the returns as hereinafter provided in this section and section one hundred and thirty of the Code of Virginia. In case the said representatives, or any of them, do not request to be present, the judges shall notify the bystanders and select from them as many to come in as with the representatives of the political parties present shall make the number of four, and in their presence shall open the ballot boxes and canvass and count the votes; and the judges of election shall at once proceed to examine and count the ballots to ascertain if any double ballots have been cast, and whether the number of ballots corresponds with the number of names on the poll books; and if two or more separate ballots are found so folded together as to represent the appearance of a single ballot they shall be laid aside until the count of the ballots is completed. If, upon a comparison of the said count, and the number of names of electors on the poll books, it appears that the two or more ballots thus folded together

were cast by the same elector, they shall be destroyed. If the ballots in the box are found to exceed the number of names on the poll books, all ballots shall be replaced in the ballot box, and after the same be well shaken, one of the judges of election, being blindfolded, shall draw therefrom a sufficient number of ballots to reduce the same to a number equal to the number of names of electors on the poll books. The number of ballots being thus made to agree with the number of names on the poll books, the books shall be signed by the judges and attested by the clerks; and the number of names thereon shall be set down in words and figures at the foot of the list of electors on the poll books and over the signatures of the judges and attestations of the clerks in the manner and form prescribed by section one hundred and twenty. Whenever the number of ballots is reduced by destruction of fraudulent ballots below the number of names of electors on the poll books the cause of such reduction shall be stated at the foot of the list of electors on the poll books before the same are signed and attested by the judges and clerks, respectively.

SEC. 130. *How votes counted and returns made.*—After the poll books are thus signed and attested, the judges shall, in the presence of such persons as shall be present under the preceding section, proceed to count and ascertain the number of votes cast for each person voted for; and the tickets or ballots shall be distinctly read, and as soon as read and canvassed shall be strung by one of the judges on a string, and the clerk shall set down on the poll books, next after the certificate of the judges at the foot of the list of electors as the returns of the election, the name of every person voted for, written in full length, the office for which such person received such votes, and the number of votes he received, the number being expressed in figures and also at full length in writing, in accordance with the form prescribed in said section one hundred and twenty, which said returns, when so made out, shall be signed and attested as provided in said section, but no person other than the judges of the election shall handle the ballots.

SEC. 131. *When ballot void.*—If a ballot is found to contain a greater number of names for any one office than the number of persons required to fill the said office, or if the title of the office is erased, the said ballot shall be considered void as to all the names designated to fill such office, but no further; but no ballot shall be void for containing a less number of names than is authorized to be inserted therein.

SEC. 132. *Poll books and ballots to be sealed; when and by whom delivered to clerk; where kept; if returns not made, how obtained.*—After canvassing the votes in the manner aforesaid, the judges, before they adjourn, shall put under cover the poll book, seal the same, and direct them to the county clerk of the county or clerk of the corporation court of the corporation (as the case may be) in which the election is held; and the poll books thus sealed and directed (together with the ballots strung as aforesaid enclosed and sealed) shall be conveyed by one of the judges, to be determined by lot, if they cannot otherwise agree, to the clerk to whom they are directed on the day following the election, there to remain for the use of the persons who may be lawfully entitled to inspect the same. The clerk to whom the ballots are delivered as aforesaid shall, without breaking the seal, deposit them in his office, where they shall be safely kept for twelve months; and he shall not allow the same to be inspected unless in cases of contested elections or unless they become necessary to be used in evidence, and then only on the order of the proper court or officer. If from any cause the judges of election shall fail to make return, as provided by this section, within the time limited by the following section for the commissioners to meet and open the returns, it shall be the duty of the clerk to whose office such returns ought to have been made to dispatch a special messenger to obtain such returns,

who shall be subject to the same penalties and entitled to the same compensation as a judge of election for such service.

SEC. 133. *How commissioners of election appointed; when to meet and open returns; how vacancies supplied.*—The electoral board of each county and city shall, at the time they appoint judges and clerks of election, designate, five of the judges so appointed to act as commissioners, who, or any three of whom, shall constitute a board, of which the county clerk or the clerk of the corporation or hustings court, as the case may be, shall, ex-officio, be clerk, whose duty it shall be to meet at the clerk's office of the county or corporation for which they are appointed, on the second day (Sunday excepted) after any election held therein, and proceed to open the several returns which shall have been made at that office; and the said commissioners shall ascertain from the returns the persons who have received the greatest number of votes in the county or corporation for the several offices to be filled at said election. The result as so ascertained shall be reduced to writing and signed by a majority of the commissioners present and constituting such board, and attested by the clerk, and shall be annexed to the abstract of votes cast at such election, as provided for in section one hundred and thirty-six. If from any cause the number of commissioners in attendance at the time and place for opening returns be less than three, the commissioner or commissioners in attendance shall select from the voters of the county or corporation, as the case may be, one or more persons having the qualification of judges of election, who shall act as commissioner or commissioners. Should all the commissioners appointed for any county or corporation fail to attend at the time and place for opening returns, it shall be lawful for any justice of the county, or the mayor, if the failure occur in any city or town, to appoint from among the voters of the county or corporation, as the case may be, three persons having the qualifications of judges of elections, who shall act as commissioners. The electoral board of the several counties and cities shall have power to fill vacancies in such appointments in their respective cities and counties whenever necessary to do so. Any person appointed under this section to fill a vacancy in the board of commissioners shall, before entering upon the discharge of his duties as commissioner, take an oath before some one authorized to administer oaths, to faithfully discharge his duties as commissioner, and when so sworn shall have all the power and authority, and be subject to all the penalties of a judge of election appointed for that purpose by the said electoral board. The fact of the appointment being made, and the oath taken, shall be noted by the clerk at the foot of the abstract of votes provided for in section one hundred and thirty-six.

SEC. 134. *How irregularities in returns corrected.*—If it shall appear to any board of election commissioners, in determining the persons who have received the greatest number of votes for the several offices voted for in such election, that irregularities or informalities occur in the returns of the judges or clerks of election, which can be cured by amending or correcting the same, it shall be the duty of said board of commissioners immediately to summon the said judges and clerks, or such of them as may be requisite, to appear before said board, on some day not exceeding five days from the date of the summons, for the purpose of amending such returns so that the same may conform to the law. The summons may be executed by any sheriff, sergeant, constable, or qualified voter, who shall receive for such service fifty cents for each person summoned, to be paid by the county or corporation in which such election was held.

SEC. 135. *Who to receive certificates of election; how tie determined.*—In all elections for the choice of any officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall

be deemed to have been elected to such office and shall receive the certificate of election; but if two or more persons have an equal number of votes for any county, city, town, or district office, and a higher number than any other person, the commissioners aforesaid shall proceed publicly to determine by lot which of the candidates shall be declared elected.

Sec. 136. Abstracts of votes to be made out and certified, to whom forwarded.—So soon as the commissioners aforesaid shall determine the persons who have received the highest number of votes for any office, the clerk shall make out abstracts of the votes in the following manner: First, for governor and lieutenant-governor on one sheet; second, for attorney-general on one sheet; third, for secretary of the Commonwealth on one sheet; fourth, for State treasurer on one sheet; fifth, for superintendent of public instruction on one sheet; sixth, for commissioner of agriculture and immigration on one sheet; seventh, for member or members of the Senate and House of Delegates on one sheet; eighth, for a representative in Congress on one sheet; ninth, for electors for president and vice-president of the United States on one sheet; tenth, for county officers on one sheet; eleventh, for district officers on one sheet; twelfth, for corporation officers on one sheet, which abstracts, being certified and signed by said commissioners and attested by the clerk, shall be deposited in the office of the latter, and certified copies thereof, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, and twelve (when said officers have been voted for at said elections), under the official seal of said clerk, shall be placed in separate envelopes, endorsed, and directed to the secretary of the Commonwealth, and forwarded immediately to the seat of government by mail; and the said clerk shall endorse on the back of each envelope in which the said certified copies are enclosed: "Copy of the abstract of votes cast for governor, and so forth (as the case may be), cast at the general election in _____ county (or corporation), in _____, nineteen hundred and _____." Any clerk wilfully violating any of the provisions of this section, except those relating to a representative in Congress and to electors for president and vice-president of the United States, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and by confinement in jail for a period of not less than thirty days or more than six months.

Sec. 137. When a clerk to make out and deliver certificate of election.—The clerk shall immediately make out, in pursuance of the determination of the commissioners, a certificate of election for each of the persons having the highest number of votes for any county, corporation, or district office, or in case of a tie, who have been decided by lot to be elected, and deliver the same to the person elected upon his making application therefor. Any clerk wilfully violating the provisions of this section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and by confinement in jail for a period of not less than thirty days nor more than six months.

Sec. 138. When clerk absent, who to perform his duties.—When a clerk shall die, be absent, or from any other cause be prevented from discharging any of the duties required of him under this chapter, it shall be lawful for his deputy, or such other person as may then be acting as clerk, to discharge such duties.

Sec. 139. Board of State canvassers.—The governor, secretary of the Commonwealth, auditor of public accounts, State treasurer, attorney-general, or any three of them, shall constitute the board of State canvassers.

SEC. 140. *Secretary of Commonwealth to open and record returns.*—The secretary of the Commonwealth, upon receipt of the certified abstracts of the votes given in the several counties and corporations directed to be sent to him, shall proceed to open the same (except the abstract of votes for governor and lieutenant-governor, the attorney-general, secretary of the Commonwealth, and State treasurer), and shall record them in a suitable book to be kept by him for the purpose, and file and carefully preserve in his office said abstracts and the original envelopes in which they were enclosed.

SEC. 141. *If abstracts not forwarded, messenger to be sent for them.*—If from any county or city no such abstracts of votes shall have been received within twelve days next after any election by the secretary of the Commonwealth, he shall dispatch a special messenger to obtain a copy of the same from the proper clerk; and such clerk shall immediately, on demand of such messenger, make out and deliver to him the copy required, which copy of the abstract of votes the messenger shall deliver to the secretary of the Commonwealth without delay, to be recorded by him as aforesaid.

SEC. 142. *How election returns canvassed by State board and certificates of election given.*—For the purpose of canvassing the result of elections, the board of State canvassers shall meet at the office of the secretary of the Commonwealth on the fourth Monday in November next after the election, when they shall, upon the certified abstracts on file in the office of the secretary of the Commonwealth, proceed to examine and make statements of the whole number of votes given at any such election for superintendent of public instruction, commissioner of agriculture and immigration, members of the Senate and House of Delegates, representatives in Congress, and electors of president and vice-president of the United States, or for so many of said officers as have been voted for at such election, which statement shall show the names of persons for whom such votes have been given for either of the said offices and the whole number given to each, distinguishing the several districts, cities, and counties in which they were given; they shall certify such statements to be correct and subscribe their names thereto, and they shall thereupon determine what persons have been by the greatest number of votes duly elected to such offices, or either of them, and shall endorse and subscribe on such statements a certificate of such determination and deliver them to the secretary of the Commonwealth. The secretary of the Commonwealth shall record in a suitable book to be kept by him in his office for that purpose each certified statement and determination as made by the board of State canvassers, and shall without delay make out and transmit to each of the persons thereby declared to be elected (except the attorney-general, who shall be commissioned by the governor) a certificate of his election, certified by him under his seal of office. In the election of a senator he shall also forward to the clerk of the Senate a certificate of the election of such senator; and in the case of the election of a member of the House of Delegates he shall forward to the clerk of the House of Delegates a certificate of the election of such member. And upon the first day of the session of the General Assembly he shall lay before each house a list of the members elected thereto, with the districts they represent. In cases of special elections to fill vacancies held at any other time than that fixed for general elections, the board of State canvassers shall meet at the office of the secretary of the Commonwealth on the day after the returns of such elections are received for the purpose of canvassing the result of such special elections in the manner hereinbefore set forth. But if said abstracts, or any of them, shall not be received within twelve days from said election, the board shall meet and adjourn from time to time until the abstracts shall be received; and in any case the board may adjourn from time to time until their labors are completed.

SEC. 143. *How election determined in case of a tie.*—If any two or more persons have an equal number of votes and a higher number than any other person for superintendent of public instruction, commissioner of agriculture and immigration, member of the Senate or House of Delegates, member of Congress, or elector of president and vice-president of the United States, the State canvassers shall proceed publicly to determine by lot which of them shall be declared elected. Reasonable notice shall be given to such candidates of the time when such election shall be so determined; and if they, or either of them, shall fail to appear in accordance with said notice, the State canvassers shall proceed so to determine said election in their absence.

SEC. 144. *Preservation of order at elections.*—Any constable of a district in which an election is held, who may be designated for the purpose by the judges of election, shall attend at the place of election and preserve order at and about the same; and if no constable be in attendance, the judges of election may, by writing, appoint one or more persons specially, who shall have all the powers of a constable in the premises.

SEC. 144a. *Intimidation, et cetera, of voters; how prevented; punishment therefor.*—The judges of election, if it shall appear that the voters are being intimidated or coerced from any source in the exercise of their suffrage by bystanders about the polling place, or that voters are being hindered or tampered with in any way so as to prevent the casting of a secret ballot, may order such person or persons so engaged in intimidating, coercing, hindering, or tampering with voters to cease such action, and if such person or persons so engaged do not forthwith desist, the judges of election, or a majority of them, may order the arrest of such persons by a constable or any other person authorized by law to make arrests, and confine him or them in the county or city jail, as the case may be, not exceeding twenty-four hours, and such person or persons may be summoned by due process of law before the next term of the circuit or corporation court having jurisdiction, as the case may be, and upon the production of evidence proving his or their guilt shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars.

SEC. 144b. *Intimidation, et cetera, of election officers; how punished.*—Any person or persons who shall, by bribery, intimidation, or other unlawful or corrupt means, wilfully hinder or prevent, or attempt to so hinder or prevent, the election officers at any precinct from holding an election at the time and place set apart and designated as a place for holding such election, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be confined in jail not exceeding twelve months and fined in a sum not exceeding five hundred dollars.

SEC. 145. *Disturbance of election; how prevented.*—If any person conduct himself in a noisy, riotous, or tumultuous manner at or about the polls, so as to disturb the election or insult or abuse a judge or a clerk of election, the constable, or any other person authorized to make arrests, may forthwith arrest him and bring him before the judges of election, and they, by warrant under their hands, may commit him to the jail of the county or corporation for not exceeding twenty-four hours; but they shall permit him to vote if he be so entitled.

SEC. 146. *How special elections superintended and determined.*—All special elections, all local-option elections, and all elections to fill vacancies in office, shall be superintended and held, notice thereof given, returns made and certified, votes canvassed, results ascertained and made known, and commissions and certificates of election given, by the same officers, under

the same penalties, and subject to the same regulations as prescribed for general elections, except so far as may be otherwise provided, and except also that in case where there is a vacancy in the office of any officer who has some duty to perform in such election, the duties of such officer shall be performed by such other officer or person as shall be appointed for that purpose.

SEC. 147. *Pay of clerks of courts.*—Clerks of courts shall receive for their services, performed under any law relative to general or special elections, the following fees, to-wit: For making out abstracts, for every one hundred words, ten cents; for each certificate, with seal attached to abstract, twenty-five cents; the fees for such abstracts and certificates shall be paid out of the county or corporation treasury, as the case may be; for certificate to county officer, with seal attached, fifty cents, which fee, as well as the tax on said seal, shall be paid by the person receiving the certificate.

SEC. 148. *Pay of sheriffs and sergeants.*—The sheriffs of counties and sergeants of corporations shall each receive for their services, performed in like manner, the following fees: For posting each notice of election, the sum of fifty cents, which fees shall be paid out of the county or corporation treasury.

SEC. 149. *Pay of judges and clerks.*—The judges and clerks of any election held under this chapter shall receive as compensation for their services the sum of one dollar each, and the judge carrying the returns from his voting place to the county clerk's office shall receive for such service the sum of one dollar, and, in addition, the mileage now allowed to jurors for each mile necessarily traveled.

SEC. 150. *Pay of commissioners.*—The commissioners of any election held in like manner shall each receive as compensation for his services the sum of one dollar, to be paid out of the treasury of the county or corporation in which the election is held.

SEC. 151. *Pay of messenger.*—The special messenger sent by the secretary of the Commonwealth to any county or corporation for a copy of the abstract of votes of such county shall receive as compensation for his services the sum of two dollars per day for the time necessary to go and return from such county or corporation, and five cents per mile for each mile traveled in going to and returning by the usually traveled from the capital to the county seat of such county, to be paid out of the public treasury.

AN ACT

To provide for lists of all persons who have paid their State poll taxes, and for posting the same, and for providing compensation therefor.

(Approved March 10, 1904.)

1. Be it enacted by the General Assembly of Virginia, That the treasurer of each county and city shall, at least five months before each regular election, file with the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city who have paid not later than six months prior to such election the State poll taxes required by the Constitution of this State during the three years next preceding that in which such election is held; which list shall be arranged alphabetically by magisterial districts or wards, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting places, and, within ten days from the receipt thereof, to make return on oath to the clerk as to the places where and dates at which said copies were respectively posted; which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof.

2. Within thirty days after the list has been so posted any person who shall have paid his capitation tax, but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

3. The clerk shall deliver, or cause to be delivered, with the poll-books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the auditor of public accounts, who shall charge the amount of the poll taxes stated therein, to such treasurer unless previously accounted for.

4. For making and certifying such lists, the treasurer shall be allowed three cents for each ten words, counting initials as words, and the clerk for copying and certifying the same shall be allowed two cents for each ten words, counting initials as words, for the first copy, and the actual reasonable costs of printing, or of otherwise making in the cheapest way obtainable, the other copies which he is required to make. The sheriff or sergeant posting the lists shall receive twenty-five cents for each list which he posts. These fees shall be paid out of the treasury of the county or corporation wherever such lists are made.

5. Any treasurer, clerk or sheriff failing or refusing to comply with the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine not less than fifty and not exceeding one thousand dollars.

6. In view of the fact that the duties herein required must be at once performed, an emergency exists and this act shall be in force from its passage.

AN ACT

To provide for evidence of the prepayment of State poll taxes by voters transferred from one city or county to another city or county.

(Approved March 15, 1904.)

1. Be it enacted by the General Assembly of Virginia, That in any case where a voter has been transferred from one city or county to another city or county, and has paid his State poll taxes for the three years next preceding that in which he offers to vote, or for any of said years, in any county or city in this State, such voter may exhibit to the judges of election the certificate of the treasurer of the city or county wherein the said taxes were paid, showing such payment, and that the same was made at least six months prior to the election by the person offering to vote. Such certificate shall be conclusive evidence of the facts therein stated for the purpose of voting. The treasurer of any county or city, upon the application of any such voters, shall furnish the certificate herein required. Any treasurer who shall give a false certificate under this act so as to show that the taxes have been paid six months before an election, when, in fact, they have not been so paid, shall be guilty of a misdemeanor, and, upon conviction thereof, be subject to a fine of not less than twenty-five, nor more than five hundred dollars, and by imprisonment in the county jail not less than one month nor more than twelve months. The granting of each false certificate shall constitute a separate offence.

2. In view of the fact that elections will be held in some of the sections of the Commonwealth before the expiration of ninety days from the adjournment of the present session of the General Assembly, an emergency exists, and this act shall be in force from its passage.

 AN ACT

To provide for furnishing by the county treasurers of list of those who are residents of or voters in the incorporated towns of the Commonwealth, who have paid their State capitation taxes six months prior to a regular election to be held in the incorporated towns of which they are residents, and to comply with section 38 of the Constitution.

(Approved January 12, 1904.)

1. Be it enacted by the General Assembly of Virginia, That the treasurer of every county in this Commonwealth in which any incorporated town is located, in which a regular election is to be held on the second Tuesday in June in any year in pursuance of law, shall furnish the clerk of the circuit court of his county with a list of the residents of said incorporated town who have paid the State capitation tax provided by law six months prior to the time of holding said election. The said lists shall be prepared and posted in all respects as is provided for in section thirty-eight of the Constitution. The said treasurers shall not for the purpose of this act be required to furnish or post list of those voters of his county who have paid their capitation taxes six months prior to the second Tuesday in June unless

they are voters in and residents of some incorporated town in which an election is to be held.

2. For preparing and posting said lists the treasurer shall receive such compensation as is now provided by law for similar services in preparing lists by section three of an act approved July twenty-eighth, nineteen hundred and two, entitled an act to carry into effect an ordinance of the Constitutional Convention of Virginia, which assembled in Richmond, June 12, 1901, entitled an ordinance to provide for registration of voters under this Constitution prior to nineteen hundred and four, so far as legislative action may be necessary, and to make it applicable to towns.

This act shall be in force from its passage.

SEC. 3846. *Bar-rooms, etc., to be closed on election day.*—All bar-rooms, saloons, and other places for the sale of intoxicating liquors in the county, corporation, or district in which an election is held, shall be closed from sunset on the day previous to that on which an election is begun until sunrise of the day after such election is concluded, except in the city of Bristol, Virginia, they shall be closed from sunrise on the day on which an election is begun until sunset of the said day.

SEC. 3847. *Selling or giving away ardent spirits, etc., on that day; how punished.*—During the time aforesaid no person shall sell or give away any wine, ardent spirits, malt liquors, cider, or any mixture of any of them, in the county, corporation, or district in which the election is held. Any person violating this or the preceding section shall be fined not exceeding one thousand dollars and confined in jail not exceeding one year.

SEC. 3843. *Arrest of offenders.*—It shall be the duty of every justice, sheriff, constable, and special policeman, if he knows or has cause to suspect that any person intends to commit or has committed such offense, to arrest and hold him for examination according to law.

SEC. 3849. *Judge, clerk, etc., failing to attend election; how punished.*—If any judge, clerk, or commissioner of election fail to attend at the time and place appointed for such election, or to perform any of the duties imposed on him by law, without good and sufficient reason, he shall be fined not less than ten nor more than one hundred dollars.

SEC. 3850. *Officer, etc., neglecting his duty in regard to election, or doing it corruptly; how punished.*—If any officer, messenger, or other person on whom any duty is enjoined by law relative to general or special elections, be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, he shall be fined not exceeding five hundred dollars and confined in jail not exceeding one year; and if any officer be convicted as aforesaid, he shall be removed from office.

SEC. 3851. *Person voting unlawfully, or advising another to do so, or attempting by threats or bribe, to influence vote of elector, or furnishing false ballot, or fraudulently putting ballot in box, or, etc.; how punished.*—If any person knowingly vote in any election district in which he does not actually reside, or in which he is not a registered voter; or vote more than once at the same election or not being a qualified elector, vote at any election with an unlawful intent; or procure, aid, assist, counsel, or advise another to vote, knowing that such person is not duly qualified to vote at the place where and the time when the vote is to be given; or, by threat or bribery, attempt to influence any elector by giving his vote or ballot, or by such means attempt to deter him from giving his vote or ballot; or procure, aid, assist, counsel, or advise another to go or come into any county, corporation, or election district for the purpose of illegally giving his vote in such county, corporation or election district, knowing that such person is not legally qualified to vote therein; or furnish a ballot to an elector who cannot read the language in which such ballot is printed or written, informing him that it contains a name or names different from those which are written or printed there, with an intent to deceive and induce him to vote contrary to his inclination; or fraudulently or deceitfully change a ballot of an elector, by which such elector is prevented from voting for such candidate or candidates as he intended; or, after proclamation made of the opening of the polls and at any time before the vote is fully canvassed, fraudulently put a ballot or ticket in the box, he shall be confined in jail not exceeding one year and fined not exceeding one thousand dollars.

SEC. 3852. *Non-residents voting at election in this State; how punished.*—If any person not a resident of this State, vote at any election held in this State, he shall be confined in the penitentiary not less than six or more than twelve months, and fined not exceeding five hundred dollars; or, in the discretion of the jury, confined in jail not exceeding twelve months and fined not exceeding one thousand dollars.

SEC. 3853. *Giving or receiving bribe for vote; how punished.*—If any person, directly or indirectly, give to a voter in any election any money, goods, or chattels under an agreement, express or implied, that such voter shall give his vote for a particular candidate, or for or against any question voted on at any such election, such person shall be fined not less than one hundred dollars nor more than one thousand dollars, or confined in jail not less than one nor more than twelve months. And the voter receiving such money, goods, or chattels, in pursuance of such agreement, shall be punished in like manner with the person giving the same.

SEC. 3854. *Wilfully rejecting or corruptly registering a voter; how punished.*— If any registrar wilfully or maliciously reject from registration or corruptly register, any person contrary to law he shall be fined not less than fifty nor more than one hundred dollars and be confined in jail not less than three nor more than twelve months.

SEC. 3855. *Altering, destroying, etc.' books, etc., of registration; how punished.*—If any officer or other person illegally change, alter, amend, or destroy any books or lists of registration, he shall be fined not less than fifty nor more than one hundred dollars and be confined in jail not less than three nor more than twelve months.

AN ACT

To promote pure elections, primaries, and conventions, and to prevent corrupt practices or bribery in same; to limit the expenses of candidates, to prescribe the duties of candidates, and providing penalties and remedies for violations of this act, and declaring void under certain conditions elections in which the provisions of this act, or any of them, have been violated.

(Approved March 24, 1903.)

1. Be it enacted by the General Assembly of Virginia, That no candidate for congress, or for either house of the General Assembly of Virginia, or any State, county, district, or municipal office, shall expend, pay, promise, loan, or become pecuniarily liable in any way for any money or other valuable thing to influence voters in his behalf, or permit the same to be used, with his knowledge and consent, by his friends or adherents in any election, primary or nominating convention: provided, however, that no expenditure made by any candidate or his adherents and friends for the purpose of printing or advertising in some newspapers, or in securing suitable halls for public speaking at a reasonable price, shall be deemed illegal.

2. That no person shall expend, pay, promise, loan, or become pecuniarily liable in any way for any money or other valuable thing in behalf of any candidate for office at any election, primary or nominating convention held in this Commonwealth. Any person or candidate violating any of the provisions of this or the preceding section of this act shall be subject to a fine of not less than one hundred nor more than one thousand dollars, or confined in jail not less than one or more than twelve months.

3. Every person who shall be a candidate before caucus or convention, or at any primary election or at any election for any State, county, city, township, district or municipal office, or for senator or member of the House of Delegates of Virginia, or for senator or representative in the congress of the United States, shall, within thirty days after the election, caucus, convention or primary election held to fill such office or place, make out and file with the officer or board empowered by law to issue certificates of election to such office or place, and a duplicate thereof with the clerk of the county or corporation court for any county or city in which such candidate resides, a statement in writing, which statement and duplicate shall be subscribed and sworn to by such candidate before an officer authorized to administer oaths, setting forth in detail all sums of money contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief by any persons or person in his behalf, wholly or in part, endeavoring to secure his nomination or election to such office or place; and also all sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination or election of any other persons at such election, primary or nominating convention, and showing the dates when, the persons to whom and the purposes for which all such sums were paid, expended or promised. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it; and he shall also, before some officer qualified to administer oaths, take, subscribe to and file with said statement the following oath:

I do solemnly swear that the statement herewith filed embraces all money spent by me or in my behalf, with my knowledge and consent, by my adherents and friends; that I have neither directly nor indirectly arranged, encouraged, nor connived at the spending of any money other than as shown in my said statement; that I have not repaid any money so spent or claimed to have been so spent, and that I will not do so, and that I have

not violated any of the provisions of this act in letter or in spirit. So help me God.

4. No officer or board authorized by law to issue commissions or certificates of election shall issue any such certificate or commission to any such person until such statement and oath shall have been so made, verified and filed by such persons with said officer.

5. Any person failing to comply with the above provisions by failing to file said statement and oath in the manner and form above prescribed shall be liable to a fine not exceeding five thousand dollars, to be recovered in an action or motion brought in the name of the State by the attorney-general, or by the commonwealth's attorney of the county or city of the candidate's residence, or by any person suing in the name of the commonwealth, the amount of said fine to be fixed within the above limit by the jury, and to be paid into the school fund of said county.

6. No person shall enter upon the duties of any elective office until he shall have filed the statement, oath, and duplicate provided for in this act, nor shall he receive any salary or any emolument for any period prior to the filing of the same.

7. Said statement and oath shall at all times be open to public inspection, and copies of same furnished any applicant.

8. In any contest over the election of any officer in this Commonwealth, if it be alleged in the notice of contest of the contestant that the provisions, or any of them, of this act has been violated by the contestee, or by his friends and adherents, with his knowledge and consent, and it so appears upon the trial of said contest, then said election shall be declared null and void and of no effect, unless it also appears that the contestant is entitled to the office for which he is contesting.

9. The statement of any person testifying under this act shall not be used against him in any way.

10. All acts or parts of acts inconsistent with this act are hereby repealed.

Elections in Towns.

SEC. 1021. *Elections of mayor and councilmen of towns.*—In every town there shall be elected every two years, on the second Tuesday in June, one elector of the said town, who shall be denominated the mayor, and six other electors, who shall be denominated the councilmen of said town. The mayor and councilmen shall constitute the council of said town.

SEC. 1022. *Appointment of registrars and judges of election.*—The electoral board of the county within which such town or the greater part thereof, is situated, shall, not less than fifteen days before any town election therein, appoint one registrar and three judges of election, who shall also act as commissioners of election. The said registrar shall, before any election in said town, register all voters who are residents of such town, and who shall have previously registered as voters in the county, or either of them, in which said town is situated, and none others. The said registrar shall be governed, as to his qualification and powers, and in the performance of his duties, by the general laws of this Commonwealth, so far as the same may be applicable.

SEC. 1023. *Opening of polls, et cetera, to conform to general law.*—Such list of registered voters shall be placed by the registrar in the hands of the judges of election, who shall, at the time and in the manner prescribed by law, open a poll at the place designated by the proper officer; and the manner of receiving the ballots and canvassing the vote shall conform to the general law.

SEC. 1024. *Who may vote.*—The electors of a town shall be actual residents thereof and qualified to vote for members of the general assembly.

SEC. 1025. *Returns of election.*—The election shall close at sunset of the day thereof, and the judges shall count the ballots and make duplicate returns of the result. One of said returns, with the ballot sealed up, shall be returned to the clerk's office, of the court of the county; the other shall be returned to the council, and recorded in the record book of said council.

SEC. 1026. *Only one voting place; notice of election; how given.*—There shall be put one voting place in each town, which shall be fixed by ordinance, or if there be no such ordinance, then by the judges of election. Of the time and place of such election five days' notice shall be given by the sheriff to the electors of the town, by causing written or printed notices to be posted at three or more public places within the corporation, and in such other mode as he may deem best.

SEC. 1027. *Penalty on sheriff.*—If any sheriff fail to perform any duty required of him by the preceding section, he shall forfeit to the town one hundred dollars. Any proceeding to enforce such forfeiture shall be commenced within one year after the same was incurred.

SEC. 1028. *When town officers to qualify.*—The persons so elected shall enter upon the duties of their office on the first day of September next succeeding their election, and shall continue in office until their successors are qualified.

OFFICE OF
CALIFORNIA

TO VIND
ABSORBIAO

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